















THE CONNEXION

BETWEEN

THE KINGDOM OF IRELAND

AND

THE CROWN OF ENGLAND.

BY R. R. MADDEN, ESQ. M.D.,

Author of "The United Irishmen."

WITH AN APPENDIX

OF THE

PRIVY COUNCIL CORRESPONDENCE,

DURING GREAT PART OF THE YEARS

1811, 1812, 1816, 1817.

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Dedication.

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TO

THE PEOPLE OF ENGLAND,  
WHO LOVE JUSTICE;

AND

THE PEOPLE OF IRELAND,  
WHO LONG FOR IT;

*This Book is Inscribed,*

BY

ONE WHO KNOWS NO DISTINCTION BETWEEN THE DESCENDANTS OF  
CELTS AND SAXONS,

AND SPURNS AT ALL PRETENSIONS TO

POLITICAL PRE-EMINENCE ON THE PART OF EITHER.

## ADVERTISEMENT.

THE following Essay was printed at the request of the Committee of the Repeal Association ; but they are in no way responsible for its facts or opinions.

Besides such a review of the political history, the state, and the prospects of Ireland, as might be looked for in a National Argument, it contains a Notice of the Great Revolution of Portugal, compiled, with no little care, from scarce Peninsular authorities ; and *The Minutes of the Privy Council Correspondence, during 1811, 1812, 1816, 1817*, PRINTED FROM THE ORIGINAL BOOKS IN THE CASTLE. Of the value of these Minutes, as giving *the Secret History of the Irish Government after the Union*, no proof need be offered.

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# TERMS OF CONNEXION

OF

THE KINGDOM OF IRELAND WITH THE CROWN OF ENGLAND.

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## CHAPTER I.

IN the notice of the Committee appointed by the Repeal Association to carry into effect its objects, with respect to the proposed Essays on the Legislative Union, to be submitted for adjudication to its members, it is suggested that candidates should illustrate the question "by examples taken from the history of existing institutions of other countries, and in particular that they should examine how far the constitution of Norway, and its connexion with Sweden, may serve as a model for the new constitution of Ireland." The suggestions of the committee not being obligatory, and the avowed object of the association being to obtain the best argument that can be adduced in support of the Repeal of the act of Union, the writer treats the subject according to his views of the best mode of dealing with it. It is not, he thinks, sufficient to refer to the existing relation of countries connected like Norway and Sweden for an illustration of the subject. Nor is it meeting that subject in all its aspects to confine our regards to the advantages of repeal, or the disadvantages of a legislative union.

It is right at the threshold of this inquiry, to state distinctly, and in terms that cannot be mistaken, or misinterpreted, the sense in which the author uses the words, "a distinct kingdom,"—"an independent nation," and "separate institutions."

Ireland was a distinct and separate nation from England, during



the period of Henry II.'s dominion, and after his donation of the sovereignty of the newly-acquired country to his son John, till the latter came to the English throne, when in his person the sovereignty of England and Ireland was united. Ireland, then, ceased to be a kingdom separate from the British crown, but continued to be a distinct nation, as the title of British sovereigns to this day plainly shows. A country that is self-governed is an independent nation, inasmuch as it makes its own laws, and in its enjoyment of that privilege, possesses the inalienable right of freedom which God gave it, and man cannot justly take away from any nation,—the right of retaining the institution by which its laws were enacted, its people represented and protected, and its executive invested with authority to govern the state in the king's name for one sole end and aim, the good of the people of whose welfare he is presumed to be the supreme guardian. Such an institution must be pure and independent, or it is no better than a packed jury, that is, “a delusion, a mockery, and a snare.” A country that has a legislature in which the people are represented, may be, therefore, truly called an independent nation. Should the independence of that parliament be taken away, or the institution itself be destroyed, the corruption or abolition of it ultimately involves every separate institution of the country in ruin—each becomes, what a particular one has been termed, in the emphatic words of the British Aristides—“A delusion, a mockery, and a snare.” Ireland remains a distinct country, though robbed of its national independence, united to the British crown, but still entitled, by the original terms of the connexion, to all the laws and institutions of England. It will not do to regard the original terms of that connexion with the contempt which is usually felt or affected, in treating of this subject. They must be re-ferred to and looked in the face boldly, calmly, honestly, and steadily; and if the subject is to be illustrated at all, it must be by the application to it of historical knowledge and experience of such analogous circumstances as bear upon it. We must seek in the history of foreign nations, moreover, for an example of an union, achieved by violence, corruption, and unjust means—that was a calamity so long as it existed—that led to misgovernment and oppression—that engendered fierce hatred on the part of the province deprived of its nationality, and intolerable arrogance on

the part of the imperial power. And by way of warning, we must seek in this example for the evil consequences of violated justice, of outraged pride, of abused patience; and when we find elsewhere that the issue of a connexion, that was not based on justice, was separation, we are then in a condition, and necessitated, to inquire what means are best calculated to prevent such a result in our own case, and whether another form of connexion is not compatible with the interests and the honour of both countries.

The history of Portugal, at the close of the sixteenth century, affords the illustrations I have referred to, of unjust domination and its pernicious consequences—oppression, disaffection, rapacity in rulers, enmity to imperial interests—arrogance, hatred, ever smouldering or kindling into rebellion on every opportunity afforded to the injured nation, by the weakness or occupied attention of its oppressor.

The union of Spain and Portugal is an historical fact, not sufficiently well known except through its effects, and those are comprised in an event which took place in 1640, the dissolution of the union of those two countries. When I say little known, I mean known only to those who are familiar with the histories of Spain and Portugal in their original languages. The chief knowledge of the subject that existed in English literature, previously to the appearance of the translated history of that revolution by the abbé Vertot, was from a work translated from the Italian, published in 1600, and edited by Edward Blount, entitled “The History of the Uniting of the Kingdom of Portugal to the Crown of Portugal.”\* The original work was written by Conestaggio, a Genovese historian, in 1585. It is evidently so biassed in favor of the union which had been but recently effected when he wrote, that one is induced to believe the work was one of the many that were written at that period by the orders of the Spanish sovereign in support of his measures, as similar works had been written at various times in support of another union, by order of the British government, when the question of uniting the kingdoms of Great Britain and Ireland was under consideration.

Philip II. effected his union by the joint and co-existent in-

\* The editor has suppressed the name of the author of the original work, and has taken great liberties with the text.

strumentality of the sword and the pen. He employed Spanish jurists of great eminence to write down Lusitanian independence, and to write up the legality and convenience of a union of the kingdoms of Portugal and Castille. In one of those ingenious productions, the frontispiece represents a sword and a pen crossed; it must be admitted the emblem is happily conceived.

The first and most laboured of those productions was published previous to the union, and was entitled "*Responsum de successione Regni Portugalliæ, pro augustissimo Phillipò 2do.*" The author was a jurist of great distinction, "Francis Alvarez Ribeira," regent of the supreme Italian senate. If a purse of gold had been introduced in the back ground, a very pretty device might be furnished for some future edition of "An essay towards an union of Ireland with Great Britain," in 1703; or, "The short and easy method of reducing the exorbitant pride of Dublin," by Anti-Constitution in 1748; or, "A proposal for uniting the two kingdoms," in 1751; or, "A union of England and Ireland proved to be practicable," by John Williams in 1787; or, "A barrister's observations on Poyning's act," in 1770; or, Mr. Charles Sheridan's "Review of the great national question relative to a declaration of rights," in 1781; or, "Utility of a union considered," by a friend to the countries, in 1788; or, "Thoughts on a union," by Joshua Spencer, in 1798; or, "An argument for and against an union," by Mr. Edward Cooke, in 1799; or, "Memoirs of the union between England and Scotland," by Lockart, reprinted by government, in Dublin, in 1799; or, "Extracts from Defoc's history of the union," reprinted in Dublin, by government, in 1799; or, "A letter to H. Grattan, Esq., in favor of union," by William Smith, in 1800; or, any extracts from any of the above, by Mr. Montgomery Martin, in 1844. The Spanish government followed up the labours of its mercenary scribes, by the services of its secret agents, in sowing discontent, jealousies, animosities; in dividing and bewildering the people of Portugal before its army was let loose on the devoted country to effect an union, and make an independent country a provincial appendage to the Spanish crown.

The British government fomented a rebellion in Ireland for a similar purpose and with similar success.



## CHAPTER II.

THE union of the crowns of Portugal and Castille, was founded on a claim of Philip II. to the former, as the next of kin in the male line to the deceased sovereign of Portugal, the Cardinal King, Henry, successor of Dom Sebastian, who was slain in battle, in Mauritania, in 1578. The rightful heir to the crown was the Duchess of Braganza, daughter to the Infante, Dom Edward, brother of the Spanish Queen Isabella, both the children of the Portuguese sovereign Dom Manuel. Philip II. was the son of the same Isabella, consequently the Duchess of Braganza was nearest of kin in the male line to Dom Manuel. There were various other claimants, all of whose pretensions were set aside, before Philip asserted his with the sword, with the exception of those of Dom Antonio, Prior of Crato, an illegitimate son of one of Dom Manuel's children.

Portugal had been an independent country from time immemorial, to the Roman subjugation. Ancient Lusitania, the "Hispania Ulterior" of the Romans, consisted of various independent tribes, of varied origins, ruled by their respective chiefs, and sometimes over-ruled by the chief of a tribe, superior in power to other clans and septs. From that country, and not from the region which now bears the name of Spain, the early tide of colonization had poured into Ireland. During the 600 years of the dominion of the Moors in the Iberian Peninsula, the kings of Leon and Castille maintained their sovereignty, and pushed their adventurous arms occasionally into the Lusitanian countries then subject to the Moors. In these desultory wars, they sometimes drove back the Moors south of the Douro, and gained towns and strong holds, or rather expelled the Moors from them, for the time their armies over-ran the country. In 1090,

the Spanish sovereign, Alphonzo, invested one of the adventurous cavaliers in his service, the Count Dom Henry, with the lands from which he had contributed to drive the Moors, as the dower of his natural daughter Thereza, whom he gave in marriage to the count.

It matters very little whether any sovereign rights were reserved or not—whether the possession was a mere feudal tenure, or an unqualified cession of the lands and towns in question, and the sovereignty appertaining to them. Alphonzo had no more right, in point of fact, to bestow the sovereignty of this Lusitanian territory on the count, than the pontiff had to make a present of Ireland to the second Henry. But the contested question of sovereignty, with respect to Portugal, was brought to a final issue—one of Alphonzo's successors renounced all claim to it for ever.

The descendants of the cavalier king (for the Count Henry ruled the territory around Coimbra, conferred on him by Alphonzo, and the additions he made to it with his good sword, with kingly state and power, though he assumed not the regal title) finally expelled the Moors from the whole country, and Portugal retained its independence until the close of the reign of the Cardinal King Henry—who died in the year 1580—in default of issue, leaving his kingdom a war of succession for a legacy. The Spanish sovereign, at that juncture, set up his pretensions to the crown of Portugal, and backed those pretensions with the sword. The result was, the annexation of that crown to his own—the conversion of an independent nation into a provincial appendage to a foreign state.

Nature, in vain, for the admonition of princes, has distinguished kingdoms,—separated them either by mountain-walls, or ocean waves, or the trenches of broad rivers, in order to restrain the madness of inordinate ambition. But no barriers are sufficient to prevent its efforts, and no example of its deplorable results capable of deterring nations from the career of unjust domination. Had the claims of Philip II. been ever so just, the fundamental laws of the state of Portugal, passed in the cortes of Lamego, in the reign of the founder of the monarchy, Alphonzo I., clearly debarred him from the succession,—foreigners being expressly excluded by the following provision:—“If the King of Portugal

should not have male issue, and should have a daughter, she shall remain queen after the death of the king, her father, but under these conditions: She shall not marry any person except a Portuguese, and he must be of the nobility." \* \* \* "This law shall be in perpetual force, that the eldest daughter of the king shall not take a husband out of Portugal; and, if she should marry with a stranger, she cannot be queen, because we never can consent that our kingdom should go out of the hands of Portuguese, by whose valour their sovereign was made without other help but by their own intrepidity, and with their own blood. These are the laws of inheritance of our kingdom" (and being read aloud by Alberto, chancellor of the king, all answered): "They are good, they are just, and thus they are decreed for us, and for our successors after us."\*

These laws, whose existence for obvious reasons was called in question in recent times, Philip II., for other reasons of state, took effectual means (for the security of his claim) to prevent the production of. The same historian I have just quoted, states, that Philip carried away with him from Portugal all documents and decrees found in the archives of that kingdom, bearing on the question of succession, and confirmatory of the national independence, and, amongst these, the laws of the cortes of Lamego.†

The same policy which directed this measure was pursued during the whole period of the Spanish domination; and not only all documents of a similar kind, but works in manuscript and printed books, that were deemed prejudicial to Spanish interests, or calculated to preserve the memory of the ancient glory and independence of the Portuguese people, were made away with.

Those who are familiar with Irish history, and not only with the ancient records of their country, but even the modern periodical literature of a political kind, of 1798 and 1800, cannot fail to be struck with the identity of the miserable practices to which tyranny and injustice are compelled to have recourse in all countries.

Philip's invading army met with little opposition in its passage through the country.

\* *Historia della Disunione del Regno di Portogallo, &c., &c.* Dal Dottore Birago. Amsterdam. 1647. Page 46.

† *Historia della Disunione*, p. 72.



The Duke of Braganza, the rightful heir, was unable or unwilling to support his just claims, but Dom Antonio, Prior of Crato, the illegitimate son of the Infante Dom Edward Manuel, caused himself to be proclaimed King of Portugal at Santarem, and put himself at the head of an ill-provided, ill-disciplined army to oppose the Spanish invaders.\* The prior's forces were routed by the Spanish general, the infamously celebrated Duke of Alva, and in 1580 Philip was in possession of his new kingdom.

One of the first acts of the Duke of Alva, on his arrival at Cascais, a small town on the Tagus, in front of Lisbon, was to order the execution of the general-in-chief of the Portuguese forces, Dom Diego de Menezes, some days after the surrender (by his orders) of the fortress of Cascais, commanded by one Pereira, who was likewise executed. Philip's historian, Conestaggio, coolly observes:—"The Duke, who wished to make an example of terror to the governors of the other forts, ordered his head to be cut off, and caused Pereira to be hanged, who commanded the castle."†

The cold-blooded murder of the prisoners of war produced the effects that might have been expected. Whenever a Spanish soldier fell into the hands of the Portuguese, he was butchered, and the efforts were redoubled of the popular leaders to resist the invaders.

It is a curious circumstance that the clergy, and especially those of the monastic orders, were the most strenuous and formidable opponents the Spaniards had to contend with, and that the same influence was instrumental to their expulsion sixty years later. Conestaggio bitterly complains that, "the monks in the neighbourhood of Lisbon, at the instance of the governors, excited the Portuguese to a vigorous resistance, thus employing new and perilous means to effect their object. The monks were instructed to exhort the people to resistance, so that they openly preached a war similar to a crusade against infidels. They were ordered to stimulate the people in their confessionals, to persuade this nation, too ambitious of honour, that there was no earthly glory

\* The Prior of Crato entered into a secret convention with Queen Elizabeth, of England, and was recognized by her as the *legitimate* King of Portugal.

† *Istoria della Unione*, &c. Conestaggio, Genova, 1585, p. 161.

equal to that of sacrificing every thing in resisting (their enemies). Hence, the preaching of those people so devoted ordinarily to their religion, became a kind of fury which made them more like the associates of soldiers, than the ministers of religion, and caused great scandal to well-thinking people, and grievous injury to all the kingdom.”\*

It is needless to comment on the tender anxiety of Philip's panegyrist for the interests of the religion and the kingdom of Portugal. The simple meaning of this passage is, that the clergy used their influence to save their county from the hands of the robbers who invaded it. The monastic clergy paid dearly for their fidelity to their country. But Alva's fury, and Philip's vengeance were suspended till the latter was in secure possession of the country. The battle of Alcantara decided the fate of Portugal; about a thousand of the Portuguese were slain, and one hundred of the invaders. Lisbon surrendered to the victors, and for three days the suburbs, “and the houses of those in the city who took part in the rebellion” were given up to pillage. “The soldiers made a great booty without practising great violence.”† All this time the benevolent sovereign of Spain was at Badajoz, waiting the issue of the war. On receiving the intelligence of it, he issued an amnesty, perfectly *Castlereaghish* in its character, excluding all those from its operation who could possibly need to avail themselves of it. When the executions were over, Philip entered Portugal, and soon presented himself to his loving subjects in the capital. Another amnesty was published “full of restrictions and artful clauses,” Conestaggio admits. Fifty-three persons were excepted by name, the monks generally, and the persons who held any office or employment under the prior. The various measures taken to *de-nationalize* the Portuguese by his Spanish majesty, are duly commended by his historian; but he blames Philip for not abolishing the university of Coimbra. “It would have been a good policy, he ought to have done it.” \* \* \* “Because the Portuguese being obliged to make their studies in the Spanish universities, would then expend the first vigor of their youth, and would get accustomed to the Spaniards, and

\* Istoria della Unione, &c. Conestaggio, p. 115.

† Conestaggio.

return afterwards to Portugal with more affection for the service of the king, and more capacity for official employment.”

Philip's first intention had been to enter the capital, sword in hand, but he was diverted from this purpose by the sagacious counsel of one of his followers, who besought his majesty not to attempt the conquest of the hearts of the Portuguese; that their only business was with the soil; they had it, and it was impolitic to manifest either fear or distrust of the inhabitants.\*

In accordance with this sage counsel, Philip sheathed the sword and affected magnanimity. He assembled the Cortes at Tomar, had himself proclaimed king, took the oath of fidelity to the constitution of the country, and confirmed with his oath the privileges of the people.

In 1582 Philip issued a decree, which may be considered analogous to that of Henry II., at the Council of Lismore, in 1172. He guaranteed to the Portuguese all the rights which had been conferred on them by their sovereign, Dom Manuel, in a charter containing twenty-five articles, securing the independence of their church, of their cortes—in which alone laws should be enacted, which related to the affairs of that kingdom,—the maintenance of the manners, customs, and privileges of the people; the preservation of their judicial establishments—for the determination of all suits originating in Portugal; the employment of none but Portuguese in official situations, (with the exception of that of viceroy), and a perfect equality of rights, and honourable distinctions in Spain for all Portuguese subjects; and for the Portuguese nobility, the “*fueros*” and immunities which they had hitherto enjoyed. The decree ends with a solemn protestation of his majesty's sincere determination to observe his royal promise, and an injunction to his son and successors to do the same.

“If they do so, (as I hope), they will be blessed with the benediction of God the Father, Son, and Holy Spirit, of the glorious Virgin, and of the celestial court, and with mine. If otherwise, (which I do not believe), they will be cursed with the malediction of our Lord, of our Lady, of the Apostles, and of the celestial court, and with mine; they will not increase nor prosper, nor advance. Given under my seal, at Lisbon, the 15th

\* *Historia del Regno de Portugal*, por Faria. p. 345.



of November, 1582." (Signed), "Lope Juarez ; I, the King, Miguel de Moura."\*

In the succeeding years of the same monarch's sway in Portugal, there were few (if any) of the sworn privileges, rights, and immunities of the people of Portugal, which were not violated. It is hardly credible, that engagements so solemnly entered into, could have been deliberately broken ; but the fact is incontestible, that they were broken. All that can be said in palliation of such enormous wickedness is, that these engagements were entered into with a desire to fulfil them ; but in culpable forgetfulness of the nature of a government founded on injustice, and wilful ignorance of the means that were essentially necessary to the maintenance of dominion obtained by force and fraud over an independent nation. Ambition, however, never wants pretexts to be perfidious, to secure its triumphs ; all its specious purposes and plausible promises to its victims turn out to be pretences and pretexts. All its practices are at variance with its pleas for its original aggressions. All its fair intentions of compensating the injured and oppressed by moderation in its rule, and the communication of new advantages, by the extension of commerce, the advancement of civilization, the participation in imperial wealth and glory, are defeated by the circumstances of its position, and the necessity of maintaining it by an agency, foreign and inimical to the interests of a people reduced from a state of independence, to one of provincialism.

A Spaniard, remarkable for the laconic truth, and eloquent wisdom of his apothegms, observes :—“ La virtuel artificiosa es peor que la maldad porque esta se executa por medio de aquella.”† But it is not only artificial virtue, but the simulated justice of illegitimate domination which is worse than open wickedness ; for their execution is carried into effect by means of hypocrisy super-added to injustice. The original vice of unjust dominion, rendered all *the good intentions* of the second Philip towards subjected Portugal, null and of no effect ; for there was no executive principle in laws purporting to be protective, administered by authorities who were the creatures of a foreign power. If the administration

\* Historia de Portugal, por Faria. p. 348.

† Empresas Politicas, por Savedra. p. 410.



of those laws militated against the maintenance of that power, however it might be called, “the Spanish interest in Portugal,”—“the King’s interest,”—“the Imperial interest,”—every other consideration would be of little moment compared with the one great reason of state. Tacitus, in a few emphatic words, has shewn the difficulty of repairing the evil of original injustice by any subsequent change of policy. “*Nemo enim unquam imperium flagitio quæsitum, bonis artibus exercuit.*”\*

\* Tacitus, Lib. i, Hist.

## CHAPTER III.

A DOCUMENT written in the Latin language was found, after the Revolution of 1640, in the Secretary's office, styled, "Counsel given the King Philip II. when the enterprise against the kingdom of Portugal was in deliberation." This document, truly Machiavelian, had been in the possession of the Count Palatine, and is cited in Birago's History. It consists of nineteen articles each recommendatory of a particular line of policy, and all, with one exception, of consummate iniquity.

My limits do not allow me to transcribe more than seven of them, but they will suffice to give an idea of the kind of counsel which sovereigns, called christian, receive, and in some instances, rely on, for the maintenance of unjust dominion.

"The acquisition of Portugal will facilitate the creation of a universal empire. To gain kingdoms no other right is requisite but that of force."

"The incorporation of Portugal with Spain will render it very easy to bridle Germany, to subject France, to reduce the naval power of England, to intimidate the northern powers; and your potent majesty will be enabled to circumnavigate the world freely, to spread colonies, to make commercial arrangements, to conquer lands, and finally, to gain every thing worthy of empire. And although the things undertaken are arduous, state precepts persuade that there never was a fitter opportunity."

"Let the kingdom be happy and quiet for some years, in order that those who at first were inimical to Spaniards, seeing the easy yoke of Spain, may have the desire to be incorporated and united with the latter, in whatever mode it may be done."

"Between them (the members of the Braganza family, and the grandees of Spain,) introduce enmity, so that amongst enemies discord may spring up, and amongst your friends concord."

“It is equally to be procured that between the other nobles and magnates, (Spanish) and theirs, discord should exist.”

“Finally, when they are weak and abject, they should be excluded from all public appointments, and all principal secular and ecclesiastical dignities should be given to Spaniards.”

“In this manner all Spain will be reduced to one body, pacific and secure : which God preserve in security and quiet.”\*

The article which is an exception in its spirit to the others, and in some respects in contradiction to them, recommends no taxes to be levied, no tribute to be exacted, and any suspicion of the intention of demanding subsidies or contributions to be removed, “by granting every sort of liberty, taking especial care to garrison the forts and strongholds with Spanish troops.”

The first Spanish viceroy of Portugal, Albert, Arch Duke of Austria, was received like his master, with curses, not loud but deep. A celebrated preacher of the Jesuits, P. Luis Alvarez, was appointed to deliver a sermon before him. The Jesuit took up the subject of the palsied man restored to the use of his locomotive organs at the pool of Bethesda.

The phlegmatic viceroy seemed not to understand the text that was thundered in his ears. “*Surge,—tolle grabatam tuam et ambula!*” The cardinal who was sitting beside his highness benevolently whispered in a language with which he was more familiar,—“Most serene Prince, this means to say, ‘Rise, take up your bundle, and go to your own house.’” “*Serenissimo principe, questo vuol dire, ‘levatevi su, pigliate il vostro fardello et andatevene à casa vostra.’*”†

While Philip’s dominion in Portugal, (says Birago,) was weak, he was moderate and merciful, but he was no sooner firmly fixed in the saddle of government, than he threw off the mask and gave vent to the feelings of resentment he harboured against those who had opposed his claim or his arms.

“Hence deaths were inflicted by a variety of means; sometimes people were executed in prison, at other times in secret places, to which many were transported, without respect to rank, age, sex, or condition, put to death, and their bodies thrown into the Tagus.

\* *Historia della Disunione, &c. del Birago, p. 120.* This document is cited also in the works of John Pinto Ribeiro.

† *Historia della Disunione de Portugal, del Birago, p. 104.*

In such great numbers were these executions, that the fishermen who followed their occupation, (in the vicinity of the tower of St. Julian,) used to find their nets encumbered with dead bodies, some dressed in monastic habits. Those poor people, believing, in their simplicity, that their bad success at various times was occasioned by a malediction falling on the river, which had caused the fishes to abandon it, went to the archbishop, supplicating him to take off the excommunication, and in complacency of spirit, he yielded to the wishes of those simple people, and went in solemn procession to the place on the river, and performed some religious ceremonies in accordance with their wishes, and rumour says, the results were favorable to the fishermen.\*

\* \* \* \* \* "All these acts, however, were done by the ministers of the king, with such dissimulation and cunning, that room was always left to think that these deaths arose from private secret causes. The numbers thus miserably put to death, far exceeded 1000 persons." Birago greatly under-rates the number; several writers of that period, estimate the number alone of the clergy secretly made away with, by orders of the Spanish government, in the vicinity of Lisbon, at more than double that number. The fact of the persecution it was at length impossible to conceal. All the professors, and others of the university who had written against the claims of Philip, were deprived of their appointments, banished, and pursued with the utmost rigor. One of them, Doctor Luis Correa, a venerable old man who had obtained an asylum under the roof of the archbishop, by the special orders of the king, in a letter of reprehension under his own hand to the archbishop, was turned out of the house of the latter. Another, Doctor Alphoe, was beheaded at Lisbon, on a frivolous charge of being privy to the existence of the prior of Crato, in Portugal, at a period when the prior was out of the kingdom, a refugee in France.

The most effectual means were taken to destroy even the memory of the old achievements of Portuguese valor, and the spirit of commercial enterprise in the conquered country, till at length the nation being supposed to be completely exhausted, the son and the grand-son of Philip II. scorned any longer to keep

\* *Historia della Disunione, &c. del Birago, p. 76.*



any terms with the subjected people. All offices were filled by Spaniards; all fortresses garrisoned by them; the ancient nobility of the country scouted; appeals from the Portuguese courts of law referred to the Spanish tribunals; and lastly, it was determined to take away the outward forms and apparent attributes of a state, and to make Portugal in name, as it was in reality—a Spanish province.

*“Restabat per edictum nam effectu jamerat declarare Lusitaniam Castellæ provinciam contra juramentum regis.”\**

Philip II. died in Spain, the 17th of September, 1598. He married, like Julius Cæsar, four times; but Cæsar trusted to his sword for his conquests,—Philip took a wife when he lusted for a kingdom, or trembled for his own. He married the Princess Mary of Portugal, the daughter of King John III. of Portugal, and this marriage cemented the tie which gained him the good will of King Henry of Portugal, and eventually brought him a kingdom. He next married our Princess Mary, but that speculation was a failure. His next wife was Isabella, commonly called “of the Peace,” daughter of Henry II. of France, which marriage was the price of the pacification of Spain and France. He lastly married Anne of Austria, daughter of the Emperor Maximilian, and that union also contributed to the accomplishment of his political designs. He would have married the widow of the Duke of Braganza to compound his claim, but the wronged woman had the virtue to resist the advances of the invader. His successors, Philip III. and Philip IV., made no account of the solemn compact he had entered into with the people of Portugal. The country was treated as a conquered province, the people as a foreign race, inferior in their intellects to the Spaniards, incapable of governing themselves, and, therefore, every public office was filled by Spaniards, or degenerate Portuguese. The “grants, graces, and privileges,” as he called his engagements of 1582, were no longer thought of. The ancient institutions of Portugal, (notwithstanding “the graces,” which reminds Irishmen of those of Charles I.) were changed, the church patronage was disposed of by the renegade Vasconcellos, amongst the minions of the Spanish minister. The senate and chancery

\* Lusitania Liberata, p. 537

tribunals called the *Relação*, were transferred from Lisbon to Oporto; a new system of legal rapacity was introduced; a passion for litigation was created and encouraged; which led to the ruin of litigants, and to systematized injustice hitherto unknown."\* The trampled country was legislated for in Spain; burdensome taxes were imposed on it without the consent of its authorities; the nobility were habitually summoned to attend the court at Madrid; their income was spent in a foreign country; the youth of the country was wasted in the wars of Spain; its treasures were applied to the payment of the expenses of those wars; the nation's pride in the ancient glories of its Sebastians, its Emanuels, and its Sanchos,—in its literature, in its conquests and discoveries, was scoffed at, or regarded with suspicion as evidence of a seditious spirit,—of an ancient hatred of the power, and jealousy of the superiority, of the Spanish people. Many of the noblest spirits of Portugal, became the victims of the suspicion of a cowardly despotism; but it is painful to find that the great body of the people seems to have become degraded and debased by despotism. Traits of servility, sycophancy, and greediness of gain, are recorded by Faria and Vertot, which remind one of the effects of the Turkish yoke on the minds and morals of the people of Greece. We read of their receiving the Philips at every visit of theirs to Portugal, with enthusiastic demonstrations of joy, and professions of unbounded affection and attachment. When the third Philip appeared at the gates of Lisbon, for the first time, Faria tell us, "Before they were opened to him, he had already made his way through the hearts of the inhabitants." They were slaves, and they were debased by slavery.

During the sway of the Philips, Sousa says, no man's life or liberty was safe; public informers and secret spies were regularly salaried by the state; and no innocence was a shield against their oaths and denunciations. † It was reputed a great crime to speak on political subjects of any kind, and persons of distinction and in authority, thus offending, were summoned to Madrid, to assist the king with their counsel, and the unwary victims no sooner arrived in Spain than they were consigned to noisome dungeons. ‡

\* *Historia de Portugal*. Faria, p. 348.

† *Sousa's Lusitania Liberata*, p. 527.

‡ *Sousa's Lusitania Liberata*, p. 226.

A great portion of the revenues of the military orders, of the vacant bishoprics, of charitable and pious institutions, were seized on by the Spanish governors. The nobility were called out of the kingdom to serve in foreign wars; the possessions of Portugal were suffered to go to ruin, some were abandoned; one of their African strongholds was given up to the Moors. Sousa, the ambassador of Dom John IV. in England, in his *Lusitania Liberata*, gives an account, from official documents, of the various tributes exacted by the Philips on Portugal, from 1619 to 1633, amounting to upwards of six millions of crowns, exclusive of the annual imposts levied in violation of the compact of the second Philip, on various commodities, on the revenues of the clergy, and on the product of the industry of the people. On one occasion, from fifteen to twenty different taxes were levied *en masse*.\*

In the reign of Philip IV. the tyranny of Spain in Portugal reached its height. The prime minister of Spain, the Duke of Olivarez, was a cold, calculating, astute, and unprincipled politician. He might be looked on as the model of the Mazarine and Pitt school of ministers. The grand maxim of this man was, that "New conquests require to be exhausted." The whole aim and object of his ambition, was to augment the power and enlarge the territory of Spain. The cost of the attainment of these objects, the sacrifice of life, of character, these triumphs occasioned, were of no import. It mattered not how long these conquests might be retained. Olivarez was content to say, let us extend the limits of our kingdom and increase its power,—to-day let us be called "the first nation," and to-morrow let the empire die. He was a man after Pitt's own heart; a gambler on a great scale, who played for dominion, and staked the future prosperity and revenues of his country on the turn of a card. The skill of the shuffler was supposed to counterbalance the desperate terms of the game. At this period the Duchess of Mantua filled the office of vice queen, the duchess was nearly related to the sovereign, and was nominally possessed of powers almost regal, but virtually restricted and controlled by those of a Portuguse secretary of state, in the immediate confidence of the Spanish minister.

The secretary, Vasconcellos, was a native of Portugal, a man

\* Sousa's *Lusitania Liberata*, London, 1645, p. 521.



in the prime of life, descended from an ancient family, possessed of no shining talents, but able and indefatigable in transacting the business of his office; he was the Castlereagh of Portugal. All his interests and his feelings were Spanish; he sought only his own advancement and the favor of the foreign minister; he had no attachment to his country; and that inclination for its good, with which nature inspires most men, was neither felt nor affected by him. In the words of an old author (who wrote before our Irish Vasconcellos was born,)—"he was entirely devoted to the Spanish minister, and could not oblige him in any thing so much as by keeping Portugal in oppression. He was a person of an acute and penetrating judgment, indefatigably diligent, merciless and unrelenting, without religion or friends, and wholly taken up with the care of inventing and establishing new taxes, in order to fill his own and his patron's coffers."\* "The Spaniards," continues the same author, "treated the Portuguese with the utmost tyranny, imagining that being thus oppressed, their wretched condition would keep it out of their power to attempt the shaking off of their detested yoke. A particular care was taken to recommend those maxims to all such as had a share in the government of those realms."†

Thus, the kingdom of Portugal was united to the crown of Spain. Thus, Portugal was governed by Spaniards for Spain, under the iron rule of the three Philips, from the year 1580 to 1640, which was nearly as infamous as that of the three Georges in Ireland; for it was impossible for it to have been much worse, except in the times of Elizabeth and Cromwell.

\* *Revolutions in Spain*, vol. 4, p. 639.

† *Revolutions of Portugal*, p. 639.

## CHAPTER IV.

HENRY II. made the acquisition of Ireland by means altogether different from those which the second Philip employed to acquire Portugal. He set up no pretensions in right of kindred, or legitimate succession to the crown. He allowed his subjects to adopt "the good old rule, the simple plan," to secure a footing in the country; and when intestine feuds had been fomented, the princes and the chiefs set by the ears, and the whole nation sufficiently bewildered and exhausted, to make his appearance in the distracted country not only safe to himself, but salutary in the opinion of the people, he came as a benefactor, and was received as one whose protection was essential to them against his lawless subjects. But even so far as we have glanced at the wantonness of power, and the abused prosperity of two great nations, possessed more with a lust of dominion than a desire of governing well the ample kingdoms committed to their care, we observe the tendency of imperial ambition to push on incessantly its conquests and encroachment, once the rein is given to its violence; to make use of all means to effect its object, without regard to justice, or the inevitable results of its violation at some future period.

The morals of powerful nations are regulated and governed by interests which seem, by a necessary law of their constitution, to make the extension of dominion grow with the growth of empire.

*"Vetus et jam pridem insita mortalium potentiae, cupido cum imperii magnitudine adolevit erupitque."\**

The operation of this inordinate lust of power and dominion, however slow, is sure in its destructiveness. The same cause which elevates and aggrandizes empires, brings them into ruin.

Augustus foresaw the evils and the end of the Roman aggran-

\* Tac. Hist. 2.

dizement—“*addideratque consilium coercendi intra terminas imperii.*”\*

Adrian not only counselled but prescribed bounds to be set to his dominions; because, as we are told by Quintus Curtius, he deemed it “easier to enlarge than to retain them.” But the wisdom of Adrian, and the foresight of Augustus, are not to be found in the policy of the princes of later times.

The maxim, that great nations must make great wars to advance great interests, implies that great power is never stationary. “*Aut ascendit—aut descendit;*” like the arrow in the air, it must either rise or fall; and it necessarily follows, the higher it mounts, the nearer it must be to the point of declination.

Seneca ascribed the decline of imperial power to the malign influence of fortune—“*fati maligna perpetuaque in omnibus rebus lex est, ut ad summum perducta rursus ad infimum velocius quidem, quam ascenderunt relabantur.*”

But the application of the maxim to the evils of decrepit domination, that the extension of its limits or its power is essential to its being, or that great nations must make great wars to maintain their stations in the sphere of empires, is the malign influence of folly, which Seneca ascribes to fate, that eventually brings down the greatest empires, and far more speedily than they rose.

It has been justly observed by Livy, that “it was more easy to cause the majesty of kings to descend from their summit to the base, than to precipitate it from a middle to the lowest state.”

Why not, then, rather prefer the security of that middle state to the perils of the descent from the summit? But false shame forbids imperial interest to remain in *statu quo*, or to seek security in “*medias res;*” and thus the efforts made to conceal diminished power contribute to debilitate it still more.

An eminent Spanish author, Dom Savedra Faxardo, in a work of inestimable value, “*Idea de un Principe Politico y Christano,*” published in 1695, compares “the stability of a great empire to that of a column self-sustained, the equilibrium of which, once lost, it inclines and falls, and the heavier it is the greater is the velocity of its descent.” \* \* \* \* “So it is,” he says, “with empires; their equilibrium is authority and good repute. When they begin to

\* Tac. Hist. 1.



lose these they begin to fall, without power being able to sustain them; on the contrary, it tends to the fall of the very greatness of kingdoms. A column perfectly upright resists gigantic efforts—one that inclines a child is capable of throwing down, because the inclination favours the impulse; and, in falling, there are no arms strong enough to elevate it. An act overwhelms reputation, and many other acts are not sufficient for its restoration, because there is no stain that men try to efface that does not leave a mark, nor opinion that is wholly changed.” \* \* \* \*

“Infamy that is remedied leaves crevices in the visage; and thus the crown, not being planted on the upright column of justice, falls to the ground.” \* \* \* \*

“Even when the ruin of empires stares us in the face, better is to risk the loss than to lose the reputation by which only it can be retrieved.”\*

The same profound thinker, who, in a long diplomatic career had sounded all the depths and shoals of state policy, observed, that “empires would be perpetual if princes would accommodate them well to their power, their power to their reason, and their reason to existing circumstances.”

As nothing can be reasonable that is not just, justice and moderation are the bases on which the Spanish sage rests the hope of an empire’s perpetuation.

Spain in 1620 was at the acme of its power: the wealth of the new world was pouring into that *El dorado* of the continent. The surfeit of her prosperity distempered her rulers’ brains. They lusted for more dominion; they aspired to the establishment of universal sway in Europe. They dreamt of making a great Iberian empire out of the united kingdoms of Portugal and Spain; of subjugating England by its invincible armada; of placing an Infanta of Spain on the throne of France. As far as the magnificent iniquity of the scheme was concerned, the grandeur of this “baseless fabric of a vision” was worthy of the conception of the son of Charles V.

It cannot be said that no wreck has been left behind; the Escorial, the Armada, and the conquest of Portugal, are lasting monuments of the wrecked ambition of the Spanish sovereign.

\* Idea de un Principe Politico, por Savedra, p. 194.

The King of England, in 1172, played the game of the Philips, in France and Ireland, but for smaller stakes, and with some success in the latter kingdom. He won it, but his successors were not content to retain their winnings on the original terms of the game,—the compact with the Irish people. They repented that the latter had not been entirely “cleaned out,” and as there was no more play at “treaties,” recourse was had to open robbery. Thus, Ireland was cheated into acquiescence with British rule, and then robbed of its advantages.



## CHAPTER V.

PRIOR to the time of Henry II., the christian religion was established in Ireland; letters, as they were then cultivated in Europe, flourished; the state was divided into six principalities, each of which had its ruler; the nation one code of laws, (the ancient Brehon code); and at the period of the descent of the English adventurers, one sovereign, whose supremacy was acknowledged by all, but which had little more in it of the attributes of supreme power, than a nominal recognition, and the periodical assemblage of the chiefs and nobles of the land in the legislative councils of the Royal House of Teamor.

The wars of succession of the various regal chieftains, the necessary consequence of the peculiar laws of descent and inheritance (of Tanistry, as they are called), from the earliest times had been productive of strife and bloodshed; the weakness that ensued from them was at length taken advantage of by a handful of needy adventurers, the allies of a prince who had been driven from his possessions on account of his crimes, Dermot M'Murrough, King of Leinster, of infamous memory.

This man's treason to his country originated partly in his tyrannous conduct as a prince, and partly in the criminal courses of his private life.

The vengeance of O'Rorke, King of Breiffny, whose honor he had injured, drove him from his country, and led to his alliance with a foreign nation, like the Count Julian, who invited the Moors into Spain, to be revenged of the King Roderick, whom he suspected of dishonoring his daughter.

The fragment of Irish history of Maurice Regan, servant and secretary to Dermot, translated into French, and from thence into English, by the Lord President, Sir George Carew, gives

the most authentic account extant, not excepting that of Cambrensis, of the events connected with this foreign alliance.

I refer to it merely for facts omitted or but slightly noticed in Davies' Historical Tracts, which shew the nature of the descent made in Ireland, and the success of the adventurers, and that of their sovereign at a subsequent period. Dermot had gone over to France in 1168, to solicit aid from Henry II., who was then in that kingdom, and had returned with vague and general assurances of support, and some letters of license to his English subjects to grant assistance, for which encouragement the Prince of Desmond had "acknowledged Henry to be his lord, and promised to serve him faithfully during his life."

Dermot proceeded to Bristol, where he entered into negotiations with Richard, Earl of Strigul (Strongbow), for succours to re-establish him in his kingdom. The earl refused to give the required aid without the king's special license, the price of which was to be the daughter of Dermot, "and after his death the kingdom of Leinster." In the meantime Dermot was recommended to go to Wales, "to visit a king called Rice (Fitzgriffiths), to desyre him to enlardge out of prison a gentleman called Robert Fitz-Stephen." The prisoner was set at large, and Regan was sent with letters through Wales "promising all such as would come to serve hym (Dermot) in hys wars in Ireland, large recompense in landes of inheritance to souch as would staye in the cuntrye." The liberated prisoner, "and some nine or ten knights of good account," got together a force "in all neare about the number of 300 horsemen and foot."

In 1169, according to Regan (Cambrensis says May, 1179), this band of marauders landed at Bann, near Wexford, which place surrendered to Dermot after two assaults. Dermot raised 3000 men, and with this force, and that of the English, proceeded against the King of Ossory. A bloody battle ensued, which endured from morning till night. Dermot was successful. "He harassed and burnt all the country, and returned with a large prey." Another battle with the men of Ossory took place with like result; "two hundred and twenty were slaine, whose heads were presented to Dermot." Cambrensis makes the number three hundred, and relates an exploit of Dermot worthy of him:—Among the heads he found one of a man to whom he bore a mortal hatred;

he took the head up by the hair and ears, and bit away the nose and lips.\*

He proceeded making various forays in the territories of the chiefs of Ossory, Leix, and Offaley, till 1170, when O'Connor, the "monarque of Ireland," with an army of 60,000 men, intended for the siege of Dublin, was signally defeated at Finglass.

In 1172, previously to the king's arrival, Waterford, Wexford, and Dublin were in possession of the English adventurers. The number that had come over previous to 1170, according to Regan, was 300 with Fitz-Stephen—with Maurice Fitz-Gerald, number blank—with Remond le Grosse 10 knights and some foot, not exceeding 100 (Cambrensis says 300)—with the Earl of Pembroke 1500 or 1600 soldiers. But in 1170, Miles de Cogan was at the head of 700—Remond le Grosse's regiment was 800 strong; the total number of English being 4500.

In 1172 Henry II. landed near Waterford, attended by the Earl of Pembroke (previously recalled from Ireland), "with divers other lords, earls, and barons, besides 400 knights and 4000 soldiers."

The following year the news of the Prince Henry's rebellion obliged the king "to take provisional orders" for the affairs of Ireland, which having accomplished, he embarked at Wexford for his kingdom, having attempted no enterprise against the unsubdued natives of Ireland, contenting himself with receiving the nominal submission of many chiefs, according to Cambrensis, of "all Ireland, saving Ulster;" and, on Davies' authority, of "all the petty kings or great lords within Leinster, Connaught, and Munster, who submitted themselves unto him, promised to pay him tribute, and acknowledged him their chief and sovereign lord."†

Henry never drew the sword in Ireland, nor aspired to any other higher title than "Lord of Ireland," nor demanded other subjection of the chiefs and kings than that degree of submission which consisted in paying tribute, leaving with them "all other points of sovereignty," in the words of Davies, and in all his

\* Harris's *Hibernica*, p. 17.

† Sir John Davies' *Discovery of the true causes why Ireland was never thoroughly under obedience to the Crown of England.* p. 8.



compacts with them, the style of kings, as in his compact with Roderick in 1175. *Rodericum regem conactæ*. In the reign of his successor, and likewise of Richard II., the same regal titles were given to the native rulers in all public documents. In the reign of Henry III. the title of king was given to the king of Thomond—to another “regulus”—senior to a third; and down to the reign of Elizabeth similar titles of the petty kings and princes were recognised and given, in numerous documents still existing in the records of the Irish chancery and exchequer.

Conquest there was none; nor is there any claimed by the English historian of any eminence who treats of those times, “until the 39th year of Queen Elizabeth, when that royal army was sent over to suppress Tyrone’s rebellion, which made an end of, and absolute conquest of, all the Irish.”\*

The “absolute conquest” spoken of in this passage is somewhat at variance with the title of the author’s book, wherein his inquiry is plainly founded on the fact, that “Ireland was never brought under obedience to the crown of England.”

From the time of Henry II. to the end of Cromwell’s reign, Ireland was garrisoned, not governed, by England. Wars with the English, that were called rebellions, were the rule—truces, that did not deserve the name of peace, the exception.

It was not until the reign of James I. that a disposition was shown in Ireland to own allegiance to the British crown; in the reign of the second Charles that there was a more general acquiescence in the claim of English sovereignty; and in the reign of his successor, a complete acknowledgement of allegiance to the sovereign who sat upon the English throne. The revolution, the Irish people thought, did not abrogate their allegiance to the Stuarts; they clung with desperate fidelity to the royal cause. They were defeated at the Boyne, but their devotion, ill-deserved though it was, to the fallen Stuarts, was not conquered, and the accession of the daughter of James II. to the throne, in the person of Queen Anne, was the means of transferring once more their allegiance to the crown of England.

Hume was not unmindful of their fidelity as subjects, when he described the catholic people as, “loyal from principle, attached

\* Sir John Davies’ *Discov. &c.*, p. 4.



to regal power from religious education, uniformly opposing popular frenzy, and zealous vindicators of royal prerogatives.”

The chiefs and princes who submitted to Henry II. retained their own customs and laws, even so late as the reign of Elizabeth. The tanistry law of descent prevailed; and the brehons, or judges, chosen by the Irish tribes, were the chief dispensers of the law.

Previously to the reign of James I. no regular circuits were established, nor did the king's writs extend into the provinces. Till the reign of Edward VI. the English government was confined to a colony which occupied a space of about twenty-six square miles.

An act of parliament of Henry VIII. the 13th year of his reign, chapter 3, declares, “there are only four shires where the king's laws are occupied on this land,” namely, Dublin, Kildare, Meath, and Louth.\*

The occupation of Ireland in the different reigns referred to, (the extension of “the pale” to the precincts of the strongholds successively acquired), resembled very much the establishment of English power on the western coast of Africa, and as it exists to this day, at all the British settlements south of Sierra Leone, and northward of the Line. The fortified places and the territory within the range of the guns of the several forts, formed the possessions wherein British law was supposed to prevail, and beyond which British power hardly extended, except when occasionally put forth against hostile tribes in their vicinity. The coast was garrisoned, but the country remained unconquered, and unpossessed by the sea-board settlers.

The question of Ireland's separate and distinct existence, as an independent kingdom, being recognised by the first English sovereign who received the submission of the principal rulers and chiefs of the Irish septs, on their entering into treaty with him, is not contradicted.

Henry, on his return from Ireland, gave the lordship of Ireland to his youngest son, John, “Sans terre,” as he was called, and the Pope confirmed the gift, and sent him a crown of peacocks' feathers. Whether his holiness was prone to waggery or not,

\* History of the Irish Parliament, by Lord Mountmorres, vol. i. p. 42.

history does not inform us. The value of the confirmation is not of much importance—if it were of consequence, the following allegation of the motives which induced his holiness to make a present of Ireland to young “Lackland’s” father, might be read with some interest. The bull of the Pope, investing Henry II. with the lordship of Ireland, sets forth the object of the king in flying colours;—“to enter the island of Ireland, in order to reduce the people to obedience, into laws, and to extirpate the seeds of vice.” \* \* \* “We therefore, with that grace and acceptance suited to your pious and laudable designs, and favourably assenting to your petition, do hold it good and acceptable, that for extending the borders of the church, restraining the progress of vice, for the correction of manners, the planting of virtue, and the increase of religion, you enter this island and execute therein whatever shall appertain to the honor of God, and welfare of the land.” \* \* \*

How faithfully were these designs carried into execution, by Henry and his successors, by Henry VIII., Edward III., James, Charles, Elizabeth, Cromwell, the second Charles, William, Anne, and by three of the Georges!

When the lust of dominion, and the rage for territorial plunder, and the concomitant hatred of the oppressed and plundered, takes possession of the breasts of sovereigns, why cannot they leave the holy name of religion unprofaned, the blessed aim of planting virtue, restraining vice, and correcting manners, unpolluted by these pretensions?

The separate, distinct, and independent state of Ireland, continued under the lordship of John, during the reign of Richard I., and when the former succeeded his brother Richard, by the elevation of the lord of Ireland to the English throne, the two crowns were united in John’s person, and Ireland ceased to be a separate nation, but still continued a distinct kingdom.

The question of the kind of dominion which England gained over Ireland, is one that peculiarly belongs to the subject of this volume. It is nothing short of the greatest absurdity or most stupid arrogance to treat this matter as a mere topic of antiquarian interest. It is of vital interest to the question of the justice or injustice of the withdrawal from Ireland of the distinctive attribute of an independent kingdom.

The dominion gained over Ireland by the sister kingdom, must

*John's being "lord of Ireland" — and raised to  
the throne of England did not / have (could it)*

*It was not fallow that he becomes the landlord of the forance.*

*X.*

have been effected by one or other of the following means:—by conquest, or inheritance, by purchase, by cession, or assent.

Ireland, certainly, was neither conquered, inherited, nor purchased.

The princes and chiefs of Ireland who had suffered from the ravages of the lawless and rapacious English adventurers, whose excesses appear to have been as barbarous as they were impolitic, hailed the presence of Henry in Ireland with joy, for some of them had been already in communication with him, remonstrating against the cruel and wanton acts of his subjects, and had been given to understand that these proceedings of the adventurers were not countenanced by him. They entered into treaty with him on his arrival, agreed to acknowledge him as their liege lord, on condition of receiving all the protection and privileges which were conceded to his own subjects.

The limited and conditional dominion acquired by Henry became gradually extended, though invariably resisted whenever it passed the original limits; and finally, in subsequent reigns, when the force of tyranny and of circumstances rendered resistance unavailing, the authority unjustly extended was acquiesced in, leaving the right, however, to be reclaimed and recovered to the possession of the same institutions which England enjoyed.



## CHAPTER VI.

THE nature of the dominion gained in Ireland by Henry II. and his successors is the subject of this chapter.

Davies commences his work with an inquiry, “whether the English forces in Ireland were, *at any* time, of sufficient strength to make a full and final conquest of that land?” and leaves it to be inferred that no such conquest had been made, notwithstanding all the “extraordinary armies transmitted out of England.”

We have seen what the amount of the extraordinary army was in the time of Henry II.—a handful of needy adventurers, with all their reinforcements not exceeding 5000 or 6000 men, and what the extent of their acquisition was, namely, the possession of the capital and three or four towns of importance.

Henry came and went, and did not conquer; for Davies tells us he departed “without drawing the sword,” “not leaving behind him one true subject more than those he found there at his coming over, which were only the English adventurers spoken of before.” He calls that state of dominion “a perfect conquest of a country which doth reduce all the people of a country to the condition of subjects; and those I call subjects, which are governed by the ordinary laws and magistrates of the sovereign. For though the prince doth beare the title of sovereign lord of an entire country (as our kings did of all Ireland), yet if there be two third parts of that country wherein he cannot punish treason, murder, or theft, unless he sends an army to do it, if the jurisdiction of his ordinary courts of justice doth not extend into these parts to protect the people from wrong and oppression,—if he have no certain revenues, no escheats, or forfeitures out of the same, I cannot justly say that such a country is wholly conquered.”\*

\* “Discovery of the true cause.” Edn. 1747. Page 10.



Vattel, in his admirable work,\* makes six distinct states of independence of kingdoms, in partial subjection to others, superior to them in strength.

The 1st, “ Des états liés par des alliances inegales.”

2nd, “ Des états liés par les traités de protection.”

3rd, “ Des états tributaires.”

4th, “ Des états feuditaires.”

5th, “ Des états soumis au même prince.”

6th, “ Des états federatives.”

Respecting the first he says, “ On doit donc compter au nombre des Souveraines ces états qui sont liés à un autre, plus puissant, par un alliance inegale dans laquelle, comme l’a dit Aristote, on donne au plus puissant plus d’honneur, et au plus faible plus de secours. Les conditions de ces alliances inegales peuvent varier à l’infinie. Mais quelle quelles soient, si pourvu que l’allié inférieur se reserve le souveraineté, ou le droit de se gouverner par lui-meme, il doit être regardé comme un état independant, qui commerce avec les autres sous l’autorité de droit des gens.”

This droit des gens, he tells us in a preceding chapter, imposes a general obligation,—a primary law which binds the society of nations. “ Que chaque nation doit contribuer au bonheur, et à la perfection des autres, de tout ce qui est en son pouvoir.” And in a note he cites the following passage from Xenophon, “ If we find a man always seeking his own advantage without troubling himself with his duty to others, nor the obligations of friendship, why should we spare him when an opportunity presents itself?” Of dominion acquired by treaties of protection, Vattel says:—“ Un état faible qui pour sa sureté se met sous la protection d’un plus puissant, et s’engage en reconnaissance à plusieurs devoirs equivalens à cette protection, sans toutefois se depouiller de son gouvernement et de son souveraineté, cet état, dis-je, ne cesse pas pour cela de figurer parmi les souverains qui ne reconnaissent d’autre loi que le droit des gens.”

Of tributary states, he says:—“ Il n’y a pas plus de difficulté à l’égard des états tributaires. Car bien qu’un tribut payé a une puissance étrangère, diminue quelque chose de la dignité de ces états, etant un avou de leur faiblesse, il laisse subsister entièrement

\* Le Droit des gens, par Vattel. 1802. vol. i, p. 26.

leur souveraineté.” Of feudal states he says:—“Lorsque l’hommage, laissant subsister l’indépendance et l’autorité souveraine dans l’administration de l’état, emporte seulement certains devoirs envers le Seigneur du fief, au même un simple reconnaissance honorifique, il n’empêche point que l’état, ou le prince feudataire, ne soit véritablement souverain.”

Of two states submitted to the same prince, he says:—“Deux états souverains peuvent aussi être soumis au même prince, sans aucune dépendance de l’un envers l’autre, et chacun retient ses droits de nation libre et souverain.”

Of states forming a federative republic, he says:—“Enfin plusieurs états souverains et indépendans peuvent s’unir ensemble par une confédération perpétuelle, sans cesser d’être chacun en particulier un état parfait. Ils formeront ensemble une république fédérative: les délibérations communes ne donneront aucune atteinte à la souveraineté de chaque membre, quoiqu’elles en puissent gêner l’exercice à certains égards en vertu d’engagemens volontaires.”

There are some inaccuracies in the preceding observations, with respect to the nations subjected to the Romans, being governed by their own laws.

The nature of these institutions, the degree of independence, liability to tribute or taxes, or exemption from them, we find, by the fifteenth book of the Pandects, entirely depended on the nature of the rights accorded to them, whether colonial, municipal, or Italian.\* Nor is it the fact, that the deprivation of the power of making war or alliance, is a proof of servitude or complete dependence.

In the case of the federal states, when they voluntarily enter into engagements, whereby they leave matters of external policy to a congress, in which they are represented, they do not relinquish their independence. The true and indisputable evidences of complete subjection to a foreign power, effected by force of arms or menaced violence, is unqualified submission to the victor or invader,—without any stipulation for the enjoyment of their own laws, the maintenance of their own institutions, or the communi-

\* Lib. Digestorum 50us iudicium municipale et de incolis, ap. corpus juris civilis a Gothofredo. Cologne, 1616, page 1815, vol. i.

cation of those of the people who have gained complete dominion over them. Here then, we have all the forms of partial subjection set forth, and in none of them is that partial subjection held to be a status fatal to independence.

A state that has passed under the unqualified domination of another, is thus spoken of by Vattel:—"Mais un peuple qui a passé sous la domination d'un autre, ne fait plus un état, et ne peut plus se servir directement du droit des gens. Tels furent les peuples et les royaumes que les Romains soumirent à leur empire, la plupart meme de ceux qu'ils honoroient du noms d'amis et d'allies, ne formaient plus de vrais état. Ils se gouvernaient dans l'interieur par leur propre lois et par leur magistrats, mais au dehors obligé de suivre en tout les ordres de Rome n'osaient faire d'eux meme, ni guerre, ni alliance: ils ne pouvaient traiter avec les nations."

In Molyneux's Case of Ireland, in rebutting the claim set up to Ireland as "a colony of England," reference is made to the state of subjugation in which the conquered, or otherwise acquired, possessions of Rome, were held under the name of colonies.

It seems to me, the nature of the tenure and government of those territorial spoils or acquisitions of Rome, is disparaged by any comparison with the kind of occupation which passed for government in Ireland.

The Romans made a very broad distinction in the institutions they gave or left with the people of countries and kingdoms voluntarily connected with them, or violently reduced to subjection, distinguished for their heroism, or degraded by former servitude. The territories acquired, and even particular cities and towns, were ruled under various degrees of imperial favour, and with immunities and privileges of different kinds: some had conferred on them what was called the "*jus Latii*," and subsequently "*jus Italicum*;" others, the "*jus coloniarium*," and others the "*jus municipiorum*." The Italians, who had linked themselves to the fortunes of Rome, were looked on more as fellow-subjects than foreign allies or feudal vassals. They were permitted to enter the Roman legions—magisterial offices were open to them, and had equal privileges with the Romans, with the exception of the exercise of the suffrage. Eventually the latter was conceded to them, and first to them, of all the nations in subjection to the



Romans. Hence, this high privilege was called "*jus Latii*." In its extended form it was called "*jus civium*," and was accounted the highest distinction of all conferred on those who were not natural born subjects. This state of government was the summit of the ambition of the subjected nations (who had no power to recover their independence). Next to it, in point of dignity, was that of a province or a city called *Colonia*. In some instances the "*jus Latii*" were superadded to their other privileges. The title and immunities of the system, called "*municipium*," are by some authors considered of greater eminence than those of the colonial; the great distinction between them appears to have been the privilege of retaining their own laws and customs, conceded to the people, entitled "*municipes*."

But the great distinguishing characteristic of Roman conquest and domination at all times, and in all countries, seems to have been its readiness to communicate its laws to the people subjected to its power, and its wisdom in abstaining from forcing its religion on the natives it had reduced by force of arms, acquired by its wily policy, or terrified into submission by the privilege of its power.

Puffendorf, in his great work on the rights and duties of citizens, has treated the question of the employment of force against foreign nations in the following plain terms, which no sophistry can pervert from their obvious, rational, and philosophical signification. The only objection that can be raised is to the reference to the disposal of captives, which is unworthy of the author.

"No just and legitimate war can be made except for three general causes:—To defend ourselves and what belongs to us from an unjust aggressor;—or, to bring to reason those who refuse to render what they are indebted to us;—or, to obtain reparation for damage or a wrong which they have done us, and security that will leave no injury to be feared in future at their hands. The wars which are undertaken for the first cause are defensive, and for the other two motives offensive."\*

In the chapter devoted to the consideration of the question, "of the different methods of acquiring sovereignty, especially in a monarchy," he says:—"Every legitimate government is founded

\* Puffendorf, lib. xi. chap. 16.



on the consent of subjects,—but on that consent in different ways. Sometimes a people is constrained, by force of arms, to submit to the domination of a conqueror,—sometimes, also, the people, of its own special movement, offers to some person the sovereign authority, and confers it with a full and entire liberty.”

“One acquires, or, rather, according to the common mode of expression, one seizes on the sovereignty by way of conquest, when, having a just cause of war against a people, that people is reduced, by the superior force of arms, to the necessity of submitting henceforward to one domination.”

“This legitimate conquest is founded not only on the circumstance of the conqueror being able, if he wished, to make a rigorous use of the right of war, to take away the lives of the vanquished, permitting them to ransom their lives at the expense of their liberty, as *the least* of the two inevitable evils, by which he exercises, besides, *a praise-worthy act of clemency.*”

“But still it may be said, that the vanquished, having engaged in war against him, after having offended him, and refused the just satisfaction they owed him, they are consequently exposed to the fate of arms, and have tacitly consented beforehand to all the conditions that the conqueror may impose on them.”\*

Now, it is not pretended by any historian, that the adventurers who were the subjects of Henry II., made a just and legitimate war on the Irish. They made war for territorial plunder, and stipulated for the spoil before they quitted their own land—for their “cantreds” of lands in Wexford and its vicinity, as we find by the account of two contemporary writers.

As for Henry, he made no war in Ireland; he went there rather to prefer his sovereign claim to the chief territorial spoil of his plundering subjects, than to pillage on his own account. Indeed, the force he brought with him was insufficient for any extensive marauding in any of the provinces. But, on any of the grounds laid down by Puffendorf, he certainly was not justified in sharing in the spoils.

He had received no injury from the Irish; they owed him nothing; he had no plea of aggression, for seeking to secure his dominions by invading their territory.

\* Puffendorf, lib. xi., chap. 10.

## CHAPTER VII.

RESISTANCE to invasion and domination, partially and temporarily subdued, or in other terms the suppression of rebellions, at various periods, in different parts of the country, is the principal ground on which early English dominion is founded in Ireland.

This is the kind of conquest, in right of which Coke and Blackstone claimed for England the power to make laws for Ireland. Many rebellions have been put down in England and Scotland, but the Scotch and English people are not accounted conquered,—and if they were so, the conqueror would still be bound to make all the amends in his power to the subdued nation for the calamities which his hostilities had brought upon it, by means of good government.

A faithful discharge of engagements,—toleration in matters of religious opinions,—and the maintenance either of the laws and customs of the country; or the introduction of those of the conqueror, with the concurrence, or in reality for the advantage, of the conquered nation.

Puffendorf, (in a passage cited in a previous chapter,) speaks of a perfect conquest giving a right to a victor to dispose of the lives and liberties of the vanquished—to kill or enslave the latter at his option. Puffendorf, however, stands alone in the maintenance of this opinion. Vattel and Filangeri admit the power, but do not recognize the right; on the contrary, they acknowledge no just cause of war, but the maintenance of the honor and security of a state, by means that are just as well as humane; and consequently, the highest injustice that man can commit on man, namely, reduction to a state of personal or political slavery, deprivation of just laws, and the violation of those of humanity, receives no sanction from them.

Sufficient has been said to show that in any sense of the term *conquest*, Ireland cannot be said to have been acquired, or to be retained, by any rights which that term implies.

This fact is plainly admitted by Sir John Davies, the English attorney-general of James I., in the title of his work, written and published in the reign of that sovereign; though, strange to say, in the first chapter of that treatise he contradicts his title, and states that Ireland was conquered in the 39th year of the reign of Elizabeth; and again contradicts that assertion in the last chapter, and states, that it was not till the reign of the sovereign then on the throne, James I., that the conquest of Ireland was achieved.

The real nature of the original connexion between the two countries is very plainly set forth in the following passage of Sir John Davies; nothing less like a foundation on conquest can be conceived:—

“For they (the Irish) governed their people by the Brehon law: they made their own magistrates and officers; they pardoned and punished all malefactors within their several counties: they made war and peace one with another without controlment; and this they did not only during the reign of King Henry II., but afterwards in all times, even until the reign of Queen Elizabeth: And it appeareth what kind of subjects these Irish lords were, by the concord made between King Henry II. and Roderick O’Connor, the Irish King of Connaught, in the year 1175, which is recorded by Hoveden,\* in this form:—“*Hie est finis et concordia, inter Dominum Regem Angliæ, Henricum, filium Imperatricis, et Rodericum, Regem Connaectæ, scilicet, quod Rex, &c. Anglia concessit prædict. Roderico ligo-homini suo, ut sit Rex sub eo paratus ad servitium suum, ut homo suus,*” &c. Yet the right of making laws in the English parliament to bind the kingdom of Ireland is claimed by Sir Edward Coke, in virtue of the power acquired by conquest.

In Sir Edward Coke’s seventh report, in Calvin’s case, he proves, from many authorities, that Ireland is a separate and distinct kingdom, out of the year-books and reports—one of which, from the year-book second of Richard III., in the exchequer chamber, runs thus:—

\* Davies, apud Hoveden, in Henrico Secundo, fol. 312.



“Quo ad primam questionem dicebant quod Terr. Hiberniæ inter se habent parliamentum et omnimodo cur. prout in Angl. et per idem parliamentum faciunt leges et mutant leges, et non obligantur per statuta in Anglia, quia non hic habent milites parliamenti, sed hoc intelligit de Terris et rebus in terris illis tantum efficiendo sed personæ earum sunt subjecti et tanquam subjecti erunt obligati ad aliquam rem extra terram illam faciend. sicut habitantes in Calesia Gascoigne, Guien,” &c. “In banco regis hic in Anglia.”

Molyneux, by whom the preceding extract is cited (page 91), observes, that “Coke, in his transcription of this passage, has given a broken and unfaithful citation, by introducing, in a parenthesis, after the words ‘Ireland has a parliament, makes and changes laws, and is not bound by statutes made in England,’ the following sentence ‘(which is to be understood, unless they be specially named).’” Molyneux has not noticed the singular fact, that in the first edition of “Coke’s Institutes,” the interpolated passage does not exist.

His dictum is laid down without any argument or authority; but elsewhere, in the report of the same case, fol. 17, he says—“Though Ireland be a distinct dominion from England, yet the title thereof being by conquest, the same, by judgment of law, might by express words be bound by the parliament of England.”

Molyneux asks “what Coke meant by judgment of law,—whether he meant the law of nature and reason, or of nations, or the civil laws of our commonwealth, in none of which sense, I conceive, will he or any other man be able to make out his position.”\*

However, Coke sufficiently refutes himself in the fourth Institute, at page 349: “’Tis plain that not only King John (as all men allow), but Henry II., also the father of King John, did ordain and command, at the instance of the Irish, that such laws as had been in force in England should be observed and of force in Ireland.” Hereby Ireland being of itself a distinct dominion, and no part of the kingdom of England, was to have parliaments holden there as in England; and at page 12, Coke tells us, “that Henry II. sent a Modus into Ireland directing them to hold their parliaments.”†

\* Molyneux’s Case of Ireland, &c. p. 117.

† Molyneux, page 121.



“ But to what end was all this,” observes Molyneux, “if Ireland, nevertheless, were subject to the parliament of England? The king and parliament of these kingdoms are the supreme legislators. If Ireland be subject to two (its own and that of England), it has two supremes; 'tis not impossible but they may enact different or contrary sanctions—which of them shall the people obey?” The same right is claimed by Blackstone, on similar grounds, yet with all the hesitating uncertainty of a mind unconvinced of the truth of its own conclusions:—

“ The original and true ground of this *superiority* (of Britain over Ireland) is what we usually call, *though somewhat improperly*, the right of conquest—a right allowed by the law of nations, if not that of nature, but which, in reason and civil law, can mean nothing more than that in order to put an end to hostilities, a *compact* is either expressly or tacitly made between the conqueror and the conquered; and if they will acknowledge the victor for their master, he will treat them for the future as subjects, and not as enemies.”\*

The right claimed on the ground of conquest, that is here relied on, is, nevertheless, acknowledged to be “ somewhat improperly so called;” ergo, the idea of conquest is one that arises in error, and the superiority claimed falls to the ground. But even if the right existed, and the claim was well founded, are there no bounds to the tyranny of the conqueror, or the power in virtue of which he has made contracts or conditions with the conquered people?

Montesquieu says, “ Conquest being a necessary, lawful, but unhappy power, which leaves the conqueror under a heavy obligation of repairing the injuries done to humanity.”

The mere dicta of those great lawyers is all that has been left by them with respect to the fact from which the right is deduced. Coke's and Blackstone's knowledge of English law, vast as it was, does not necessarily imply a co-extensive knowledge of Irish history; and even if those great luminaries of the legal profession had ten times the amount of black-letter erudition, and acquaintance with all the subtleties of precedent and prescription of English jurisprudence, of its written and unwritten law, which they possessed, it is possible, nay, very probable, in a question

\* Blackstone's Commentaries, vol. i., page 103. Edn. London, 1809.

that involved the rights and privileges of nations, the opinion of Sir William Scott, a common-law lawyer of no extraordinary repute, on such a subject would be held entitled to much higher respect: that the authority of Vattel, in any case that concerned "the rights of men," or of Puffendorf, in any matter that affected "the reciprocity of their rights and duties," would outweigh that of the Institutes of Coke, or the Commentaries of Blackstone. In the estimation of men of common sense who looked for justice, and not "reasons of state" decisions, on such subjects, and loved truth better than dominion, preferment, or imperial power, it could not be otherwise. But if, in great constitutional questions affecting the liberties of a people, the mere dicta of great lawyers, however learned they may be "in the matters of the law," are to *disauthorize* the doctrines of eminent constitutional statesmen, if the opinions on such questions of Coke and Blackstone, to say nothing of the Jeffries, dead or living, or of the Eldons and the Lyndhursts, or the Pennefathers of a later day, are to be held of more weight than those of the Sidneys, the Hampdens, the Russells, or the Floods and Grattans of our own country, woe be to that land which makes such men the arbiters of public liberty, and triple woe to the unfortunate nation whose weakness is exposed to the fatal effects of legal iniquity brought to the support of imperial injustice!

When a legal sanction is sought, for aggression on the rights or territorial possessions of a weaker power, judges are seldom appealed to in vain,—they are expected to give the state the countenance of the laws, and seldom in any age, or in any country has it been withheld,—"*ne cæsarem offensionem impingerit.*"

Deference to the wishes of the sovereign, or servile subjection to the general opinion of the state, is carried to great length by great lawyers.

The memorable saying of Grattan applies not to the great law lords of any particular age or country, but to all their class, with few exceptions, and the brighter and more remarkable on that account: "The judges are bad arbiters of public liberty. There is no act of power for which they have not a precedent, nor any false doctrine for which they have not a judicial authority."

## CHAPTER VIII.

THE grand question at issue between the advocates and opponents of the contested right of Irish independence, is now to be considered; namely, the right of Ireland to the laws and institutions of England.

The nature of the original connexion between England and Ireland; of the federal contract entered into by Henry II. and his immediate successors, with the Irish people; the peculiar privileges conferred or withheld by the early sovereigns,—these are matters which must be ascertained before that question can be answered.

Cambrensis, speaking of the terms entered into by the Irish chiefs with Henry II., says, “Rex Coreagiensis Dormitius advenit ei et tam subjectionis vinculo quam fidelitatis sacramento rege Anglorum *se sponte submisit.*”\*

On the voluntary submission of the Irish, each of the kings, prelates, chiefs, &c., gave King Henry an instrument under his seal in the manner of a charter, granting and confirming the whole kingdom to the king, and constituting him, and his heirs, Lords of Ireland for ever. Henry made a suitable return for the homage and fealty sworn him by the kings of Ireland; before he left Ireland he called a general council of parliament at Lismore, in which the laws of England were freely, gratefully, and unani- mously received and ratified by the oaths of the parties; in the words of Matthew Paris, in his life of Henry II. “Rex Henricus antiquam ex Hibernia rediret apud Lismore concilium congregavit, ubi leges Angliæ sunt ab omnibus gratantur et Juratoria cautione prestita confirmatæ.”

\* Case of Ireland, ap. Camb. Edition, 1698, p. 9.



Thus the laws of England were received and confirmed by common consent in council, and the constitution of Ireland was established on the same principles on which that of England was founded, "Ireland being made a free, independent, and complete kingdom under the crown of England." This was done without the interposition of the English parliament, by the sole authority vested in the king by the people of Ireland, as they were represented by their kings, prelates, and nobles.

On Henry's return to England he sent to Ireland a "Modus tenendi parliamentum," or, form of holding parliaments there, similar to that which prevailed in England. This document no longer exists, but its exemplification by Henry IV. is cited by Coke, in the 4th Inst, cap. 1 and 76, as an authentic document.

The title of this Modus runs thus, "Henricus, Rex Angliæ Conquestor et Dominus Hiberniæ, &c., mittit hanc formam Archiepiscopis, Episcopis, Abbatibus, Privibus, Comitibus, Baronibus, Justiciariis, Vice Comitibus, Majoribus, Præpositis, Ministris, et omnibus Fidelibus suis terra Hiberniæ tenendi parliamentum." &c.\*

This form, Molyneux observes, agrees for the most part with the Modus said to have been allowed by William the Conqueror, when he obtained the kingdom of England. Selden questions the authenticity of this document, and Pryn rejects both the English and Irish Modus.

Coke, on the other hand, strenuously contends for the authenticity of both. Pryn's chief objection is to the word, "parliament," which, he states, at the time of William the Conqueror, and of Henry II., was not given to the great council of England.

His other objection is to the word "Sheriffs," on the ground that they were not established in Ireland in Henry's reign.† Yet the words "Vice Comes" is used in the Irish Modus.

Molyneux observes, that "it is reasonable enough to imagine that the name parliament came in with William the Conqueror." 'Tis a word perfectly French, and he sees no reason to doubt its coming in with the Normans.

To the other objection he answers, "that Henry II. intending to establish in Ireland the form of government of England, as the

\* Molyneux.

† Molyneux's Case of Ireland, p. 29.



first and chief step thereto, he sent them directions for the holding of parliaments, designing afterwards, and in due form, to settle the other constitution agreeable to the model of England." \* \*

"Sheriffs were established in some counties in Ireland in King John's time."

The exemplification in the sixth of Henry IV., cited by Molyneux, Coke states was made by "inspeximus," under the great seal of Ireland; and that the original document was in the hands of Sir Christopher Preston.

In the exemplification, it was stated that the original Modus transmitted to Ireland was produced before the Lord Lieutenant, (Sir John Talbot,) and Council, at Trim.

The exemplification was in the hands of a Mr. Hackwell, of Lincoln's Inn, and by him was communicated to Selden.

The original Modus which had been in the hands of Preston, on the authority of Dr. Dopping, came into the possession of Sir Francis Aungier, Master of the Rolls in Ireland, out of the treasury of Waterford, as the Bishop had been informed by the Earl of Longford, Aungier's grand-son. It was found amongst Aungier's papers, by Sir James Cuff, Deputy Vice-Treasurer of Ireland.

The document was given by Aungier to Sir William Dumville, Attorney-General of Ireland, and with his other papers and manuscripts came into the hands of the Bishop of Meath, whose nephew, Mr. Samuel Dopping, communicated the record to Molyneux.

John, being created king in the parliament at Oxford, under the style and title of Lord of Ireland, during twenty-two years, while his father Henry II., and his brother Richard I., reigned in England, enjoyed all manner of kingly jurisdiction in Ireland, as the Irish Statutes, 33 Henry VIII. expressly declares.

When he ascended the English throne, the fundamental laws of each nation remained distinct, though the countries were united in obedience and allegiance to one sovereign. In the twelfth year of John's reign, he visited Ireland for the second time, A.D., 1210, and Matthew Paris states that more than twenty princes (plus quam viginti Reguli) met him at Dublin, paid him

homage, and the king caused English laws and customs to be ordained, (fecit quoque Rex ibidem construci leges et consuetudinis Anglicanas,) appointing "Sheriffs and other officers to administer justice among the people of that kingdom, according to English laws." In the first year of his reign, 1216, John's successor, Henry III., granted a charter of liberties to Ireland, (extant in the red book of the Exchequer,) with no essential difference to that which he granted to England eight years later.

The same year he confirmed that charter, and in more express terms, all other liberties granted by his father and him to the people of England: "In consideration of the loyalty of his Irish subjects, they and their heirs for ever should enjoy all the liberties granted by his father and him to the realm of England."

A free and independent English parliament was conferred by the charter.

A letter from the Queen Regent, in the 38th year of the reign of Henry III., calling for aids of men and money, was addressed to the states of the Irish kingdom, directed to the "Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Freeman, Citizens and Burgesses,"—in point of fact, to the members (as they would now be termed) of both houses of parliament, eleven years before the period from which Coke erroneously dates the origin of the House of Commons in England.

Hence it is pretty clear that supplies were only obtained in the reign of Henry III. from the parliament.

What is the essential character of a parliament which the common law of England recognizes? The power of making, revising, confirming, and annulling laws, to wit, "that no people may be bound by laws to which they do not give their assent."

The charter of Henry III. in England conferred no privilege which the Irish charter and subsequent confirmation of it by the same sovereign did not grant to the Irish people, or which their "heirs for ever" were not entitled to.

The argument against these early parliaments in Ireland, that the commons formed no essential part of them before the 49th of Henry III., Molyneux clearly shows entitled to no credit, on the authority of "the learned Mr. Petyt," keeper of the records in the Tower, in his book on that subject, (page 71,) wherein he deduces his ninth argument from the comparison of *The Ancient*

*General Concilium*, or Parliament of Ireland, 38th Henry III., with the parliament of England.

The words of Petyt are, “the ensuing record, 38th Henry III., clearly evinces that the citizens and burgesses were then a part of their (the Irish) great council or parliament.” This was eleven years before the pretended beginning of the commons in England.\*

One of the records to which Petyt refers, (not 38th Henry III. in 4 Hibernia,) is the letter of the Queen Regent, cited in the preceding page.

Henry, about the twelfth year of his reign, specially empowered Richard de Burgh, then Justice of Ireland, to convoke the grand council, “to summon all the archbishops, bishops, earls, barons, knights, and freeholders, and sheriffs of each county; and before them cause to be read the charter of his father, King John, whereunto his seal was appended, whereby he had granted to them the laws and customs of England, and unto which they swore obedience. And that he should cause the same laws to be observed, and proclaimed in the several counties of Ireland, that none presume to do contrary to the king’s command.”†

Lord Clare went a little further than Pryn, when he stated in his celebrated speech on the Union, “There were no parliaments in Ireland previously to the third of Edward.” The second Pryn acknowledges there was one in the reign of Henry II., but says, “there appear no footsteps of a parliament afterwards, till the third of Edward II., because the acts of the parliament in the latter reign, are the first that are printed in one Irish statute book.” But, as Molyneux observes, “so we may argue the parliaments of England to be of later date than pretended, when we find the first printed acts in Keeble to be no older than the ninth of Henry III.; whereas, it is most certain that parliaments had been held in England some years before that.”‡

Ireland, then, under Henry II., John, and Henry III., had all the laws, customs, and liberties of England conferred on them, not by English parliaments but by English sovereigns.

Assuredly the great privilege of all, that of the national council,

\* Molyneux, p. 49.

† Pryn against Coke’s 4th Inst. apud Molyneux, p. 52.

‡ Molyneux, p. 57.

was not withheld. Henry II. held this national council at Lismore ; John confirmed all his father's privileges, and his successor confirmed all those of the two preceding sovereigns, and exemplified that form of holding parliaments which John transmitted into Ireland ; while in France, his queen, then regent of the kingdom, sought succours in men and money from the Irish parliament, and left on record a document which all the ingenuity of the opponents of Irish independence cannot divest of its value, as an incontrovertible testimony to the independence and perfect organization of a legislative body, composed of Lords and Commons, at that early period.



## CHAPTER IX.

SIR JOHN DAVIES' speech to the Lord Deputy of Ireland, when his Excellency approved of him as Speaker of the house of Commons, the 2nd of May, 1613, is not usually to be found in the early editions of his Tracts. It was first published with them together with his life, in the Dublin edition, printed 1787.

In this speech we find the most subtle, labored, and able attack on the character and constitution of the Irish parliament, previously to the reign of James I., that ever was made, and at the same time, a vast deal of information, the result of great research, on the subject of the mode of holding parliaments, from an early period. Having adduced the best arguments that presented themselves to me in favor of the early existence of parliaments in Ireland, of their co-existence with the English connexion, and co-equal privileges with the English parliament, I think it is proper to lay before my readers those arguments of an opposite kind, which carry most weight with them, reserving the right at the conclusion of them, of making a few observations, and but a few, to show how unfairly the subject has been treated by Sir John Davies.

“The kings of England,” observes Sir John Davies, “were no sooner lords of Ireland, but they made a real union of both these kingdoms, as is manifest by authentic records of the time of King John, and King Henry III. so as Ireland became but as a member, *quasi membrum Angliæ*, as it is so resolved by all the justices, in third of Henry VII.” \* \* \* \* “And now at this day, (God be blessed,) the subjects of both realms have but one king, which is the renowned king of England: and are ruled and governed by one common law, which is the just and honorable and common law of England, and as there is now but one common law of

England, so for the space of one hundred and forty years after King Henry II. had taken possession of the lordship of Ireland, there was but one parliament for both kingdoms, which was the \* \* \* \* all that time. But the laws made in the parliaments of England were from time to time transmitted hither under the great seal of that kingdom, to be proclaimed, enrolled, and executed as laws of the realm. \* \* \* \* \*

“ All which statutes, together with the warrants and writs, whereby they were transmitted, we find enrolled and preserved to this day among the records of this kingdom. \* \* \* \* ”

“ But when?—how long since?—in what king’s reign was this great common council, this high court of parliament erected first and established in Ireland? ”

“ Doubtless, though the rest of the ordinary courts of justice began with the first plantation of the English colonies here, yet the wisdom of the state of England thought it fit to reserve the power of making laws to the parliaments of England for many years after. ”

“ So this high, extraordinary court was not established in Ireland by authority out of England for many years after, in the form that it now is, till towards the declining of King Edward II.’s reign; for before that time, the meetings and consultations of the great lords with some of the commons, for appeasing of dissensions among themselves, *though they be called parliaments in the ancient annals, yet being without orderly summons, or formal proceedings, are rather to be called parlies than parliaments.* ”

“ But by what reason of state was the state of England moved to establish this court of parliament in Ireland at that time? ”

“ Assuredly, this common council was then instituted when Ireland stood most in need of council; for, under the conduct of Edward le Bruce, the Scottish nation had overrun the whole realm, England had the same enemy at her back, and the barons’ rebellion in her bowels, and so being distracted in herself could give neither *consilium* nor *auxilium* to the distressed subjects here, so as they being left to their own strength and council, did then obtain authority from the state of England to hold this common council of the realm among themselves, for the quenching of that common fire, that had almost consumed the whole kingdom. \* \* \* \* And this, by the testimony of the best anti-

quarians, was the first time, and first occasion of instituting this high court of parliament in Ireland. \* \* \* \* \*

“ In the beginning of the reign of King Edward III., Sir Anthony Lucy did summon and hold one parliament, and Sir Ralph Ufford another; and the principal cause of holding both these parliaments was to repress the insolencies and reform the abuses of the great lords descended of English race, of which the Earl of Desmond was the most exorbitant offender.

“ And after that, during the same king’s reign, Sir Thomas Rookesby, at one time, and Lionel, Duke of Clarence, at another, held several parliaments at Kilkenny, which tended to no other end but to reduce the degenerate English in general from the barbarous customs of the Irish to their ancient civil manners, and the obedience of their true mother, the state of England.

“ After this we find the same cause still to continue, of calling the succeeding parliaments in this realm, until the wars of Lancaster and York began, which made a great alteration in both kingdoms.

“ For if we look into the parliament rolls of those times, which are mean between the 40th year of King Edward III. and the 30th year of King Henry VI., we shall find the statutes of Kilkenny confirmed in every parliament, and then the laws of principal consideration are against ‘coin and livery,’ sess of soldiers, night suppers, ‘cumrick,’ and the like extortions and lewd customs, which the English had learned amongst the Irish. \* \* \* \* \*

“ So as for the space of one hundred and forty years, after the first erecting of this high court of parliament, it is apparent *that never any parliament was called to reduce the Irish to obedience, or to perfect the conquest of the whole island, but only to reform the English colonies that were become degenerate, and to retain the sovereignty of the crown of England over them only, and to no other end or purpose.*

“ Parliaments were never called so often, nor so thick one upon the other as in the times of King Henry VI. and King Edward IV.; for scarce there passed a year without a parliament, and sometimes two or three parliaments were summoned, and held within the compass of a year, which was such a trouble and charge to the subject, as a special law was made that there should be but one parliament in a year.



“ But to what end did they call so many parliaments? What matters did they handle in these common councils? Did they consult about the recovery of the provinces that were lost? or of final subduing of all the Irish? We find no such matter at all propounded; but we find in the parliaments, in the rolls of that time, an extraordinary number of private bills and petitions answered and ordered in parliament, containing such mean and ordinary matters, as but for want of other business, were not fit to be handled in so high a court. \* \* \* \* \*

“ And such were the motives of calling the parliament of this kingdom, and the matters therein debated, during the wars of York and Lancaster, and after that likewise until the tenth year of King Henry VII.

“ In that year, which was the tenth year after the uniting of the Roses, as now it is full ten years since the uniting of the kingdoms under one imperial crown (a happy period of time, we hope, for holding of a parliament in this kingdom): in that year did Sir Edward Poyning's summon and hold *this famous parliament*, wherein, doubtless, he showed a large heart and a great desire of a general reformation, and to that end procured many general laws to pass, which we find most profitable and necessary for the common weal at this day.

“ Among the rest, he caused two laws to be made, which may rightly be called *leges legum*, being excellent laws concerning the laws themselves, whereof one did look backward to the time past, and gave a great supply to the defects of former parliaments, by confirming and establishing at once in this realm all the statutes formerly made in England.

“ The other looked forward to the time to come, by providing that from henceforth there should be no parliament holden here, until the acts which should be propounded were first certified into England, and approved by the king and his council there, and then returned hither under the great seal of that realm.

“ This latter act is what we call Poyning's act, and is indeed that act of parliament, which is a rule for our parliaments until this day. \* \* \* \* \*

“ As for the principal parliaments which have been holden since that time, during the reigns of King Henry VIII., Queen



Mary, and Queen Elizabeth, (for King Edward VI. did call no parliament in Ireland,) they were all summoned upon special and particular occasions, and not for the general settlement of the whole kingdom. For to what end was the parliament holden by the Lord Leonard Gray, in 28th Henry VIII., but to attaint the Geraldines, and to abolish the usurped authority of the Pope?

“Wherefore did Sir Anthony St. Leger call the next parliament after in 38th Henry VIII, but to invest that prince with the title of King of Ireland, and to suppress the abbeys and religious houses?

“To what purpose did Thomas, Earl of Sussex, hold his first parliament in 3rd and 4th of King Philip and Queen Mary, but to settle Leix and Offaly in the crown?

“And his second, in the second year of Queen Elizabeth, but to re-establish the reformed religion in this country?

“What was the principal cause that Sir Henry Sidney held a parliament in the eleventh year of Queen Elizabeth, but to extinguish the name of O’Neale, and entitle the crown to the greatest part of Ulster?

“And lastly, what was the chief motive of the last parliament, holden by Sir John Perrot, but the attainder of two great peers of this realm, the Viscount Baltinglass and the Earl of Desmond, and for vesting of their lands, and the lands of their adherents, in the actual possession of the crown? \* \* \* \* \*

“I must not forget to note also to your lordship, what and how many persons were called in former times, to make up the body of this great council.

“For the persons before the 33rd year of King Henry VIII. we do not find any to have had place in parliament, but the English of blood, or English of birth only: for the mere Irish in those days were never admitted, as well because their countries, lying out of the limits of counties, could send no knights, and having neither cities or boroughs in them, could send no burgesses to the parliament; *besides, the state did not then hold them fit to be trusted with the council of the realm.*

“For the number since, before the 34th year of King Henry VIII., when Meath was divided into shires, there were no more than twelve counties in Ireland, besides the liberty of

Tipperary ; the number of knights must indeed have been few ; and since the ancient cities were but four, and the boroughs which sent burgesses not above thirty, the entire body of the whole house of commons could not then consist of one hundred persons ; and though Queen Mary did add two shires, and Queen Elizabeth seventeen more, to increase the number of knights in that house, yet all did not send knights to the parliament, for the remote shires of Ulster returned none at all. For the lords temporal, though they are yet but few, yet was the number less before King Henry VIII. was styled King of Ireland, for since that time divers of the Irish nobility, and some descended of English race have been created both earls and barons.

“ And lastly, for the bishops and archbishops, though their number was greater than now it is, in respect to the divers unions made of latter years, yet such as were resident in the mere Irish counties, and did not acknowledge the king to be their patron, were never summoned to any parliament.

“ And now, by way of comparison, it may easily appear unto your lordship, how much this first parliament, now begun under *the blessed government of our most gracious King James*, is likely to excel all former parliaments, as well in respect of the cause and time of calling it, as of the persons that are called unto it.

“ For this parliament, (*God be blessed!*) is not called to repel an invasion, or to suppress a rebellion, or to reduce degenerate subjects to their obedience. \* \* \* \* \*

But now, since God hath blessed the whole island with *an universal peace and obedience*, together with plenty, civility, and other felicities, more than ever it enjoyed in any former age ; this general council of the whole realm is called now principally to confirm and establish those blessings unto us, and to make them perpetual to our posterities. \* \* \* \* \*

“ Again, it is not called in such a time as when the four shires of the pale only did send their barons, knights, and burgesses to the parliament ; when they alone took upon them to make laws to bind the whole kingdom, neglecting to call the subjects residing in other parts of the realm unto them, as appeareth by that parliament, holden by the Viscount of Gormanston, which Sir Edward Poynings, in the 10th year of Henry VII. caused to be utterly repealed, and the acts thereof made void, chiefly for that

the summons of parliament went forth to the four shires of the pale only, and not unto all the rest of the counties.

“But it is called in such a time, when this great and mighty kingdom, being wholly reduced to shire ground, containeth thirty three counties at large; when all Ulster and Connaught, as well as Leinster and Munster, have voices in parliament by their knights and burgesses; when all the inhabitants of the kingdom, English of birth, English of blood, the new British colony, and the old Irish natives, do all meet together to make laws for the common good of themselves and their posterities.

“To this end his majesty hath most graciously and justly erected divers new boroughs in sundry parts of his kingdom. \* \* Neither is this a new or strange precedent, for his majesty doth but follow the steps herein of his next predecessors which went before him. \* \* \* And truly as your lordship hath more honour in this respect (the assembling of parliament) than any of your predecessors, so I may justly say, without adulation, that your lordship hath merited this particular honour more than any of them that have gone before you. \* \* \* Hath he not acted his part so well upon this theatre of honour, as no man is ambitious to come upon the stage after him, knowing it is more easy to succeed him in his place than to follow him in his painful and prudent course of government, and that he must be as strong as Hercules to undergo the burthen that such an atlas hath borne before him?

“Nay, hath he not performed Hercules’ labours, in suppressing more monstrous enormities in Ireland than Hercules himself did destroy monsters, when he sought adventures over all Europe?

“I ask not these questions, as if any man were doubtful or ignorant of his noble virtues and deserts; but as praise is nothing but a reflection of virtue, so should it be delivered rather collaterally than directly, to avoid suspicion of direct flattery, which I know your lordship loveth not, as I know your lordship needs it not. \* \* \* \* \*

“You had need be a virtuous and most worthy deputy, since you sit in the throne, and represent the person of the most virtuous and excellent king in the world.

“For he that doth fight with the sword of a king, write with the pen of a king; he that hath the justice, mercy, and bounty of



a king in his hands had need be furnished with those noble powers and virtues as are fit for the rule and government of a kingdom, especially if he hold the place of such a king as our most renowned and gracious sovereign is, who is the greatest and best king that now reigneth upon the face of the earth. \* \* \* \*

“ For if that man be accounted the greatest subject of a kingdom, that is in the highest favour with a king upon earth, why should not that king be the greatest king on earth, *that is in the greatest favour with the king of heaven?* \* \* \* \*

“ Again, I will call his majesty the best king, for that he is a most *just king*, and *justice* is the best of all kingly virtues; and for that, also, he is a most bountiful king, resembling therein the divine goodness, ever spreading and communicating his riches unto others, which we must needs remember in this kingdom; for we cannot forget it without ingratitude, since we all know that his majesty doth not only expend the whole revenue of this land upon itself, but spares yearly out of England a great mass of treasure to support the extraordinary charge thereof, out of which the greater number of us here present, by entertainments, pensions, or rewards, do taste every day of his majesty’s bounty.”

Sir John Davies was better acquainted with the arts and sciences of court-life, by which preferment is obtained, than with the law of nature or of nations.

In early life he recommended himself to the favour of Queen Elizabeth—then more in the blossom of her sins than in the bloom of her youth—by three-and-twenty elaborate acrostics, celebrating her charms and her wit in fulsome strains of the most nauseous adulation.

In his address to the lord deputy, and his reference to the contemptible pedant, his royal master, we have a sample of his powers as a parasite in his maturer years.

The same qualities which fit a man to be a parasite, disqualify him for the rough duties of citizenship in a free state. The perfections of princes, and the prizes in the lottery of court-life—patronage and preferment, are matters of more concern to him than the rights and privileges of his fellow-subjects.

We are told by Anthony Wood, that “ Davies had more in him of the soldier than the lawyer.” The only proof of his turn for



soldiership that is given in his life, is a violent assault on a gentleman of one of the Inns of court, from which he was expelled from the society of the King's Inns Benchers.

But, in his treatise on Ireland, we have evidence enough from the beginning to the end of it of his extraordinary predilection for the employment of the sword, for the purpose of enlightening and civilizing a subjected people.

He perpetually laments that the country was not sufficiently "broken by the sword," to prepare the way for the advances of the law, and to second its operation. This is the old cry of Spanish conquest,—the old doctrine of the exterminating "Conquistadoras,"—the old plea for plunder,—the old blasphemy in the name of Christianity and civilization, to wit, the interests of humanity and good of religion, the extension of good laws, the removal of barbarous customs!

Here and there, indeed, he questions the wisdom,—the expediency of the governors of Ireland attempting "to root out the Irish, which they were not able to do."

In one passage, treating of Queen Elizabeth's reign, (page 91) he deprecates the policy which for three hundred and fifty years kept the "English laws from being communicated to the Irish, and the benefit and protection thereof being allowed unto them, though they earnestly desired and sought the same: for as long as they were out of the protection of the law, so as every Englishman might oppress, spoil, and kill them without control, how was it possible they could be any other than outlaws, and enemies to the crown of Ireland?"

And in another, the last sentence of his book, he says, "there is no nation of people under the sun that doth love equal and indifferent justice better than the Irish: or will rest better satisfied with the execution thereof, although it be against themselves, so as they have the protection and the benefit of the law, when upon just cause they deserve it." Much may, and ought to be, pardoned for these two passages.

But it cannot, and ought not to be passed unnoticed, that not one syllable elsewhere do we find in his work reprobatory of the exterminations that were carried on, even in his own time. On the contrary, in that work, and his letters, he treats of the wholesale dispossessions, evictions, and transportations of the

peasantry, the confiscations of the property of the gentry, with all the *sang froid* that might be expected in one of the adventurers or undertakers of the day; nay, he speaks of them approvingly, as a means of civilizing the natives!

All notions of natural justice, of humanity with respect to the plundered people, seem to have been dead in his bosom; at least not one glimpse of the light of either is to be discovered in his treatise, except in those passages to which I have referred:—"A barbarous country must be first broken by a war, before it will be capable of good government."

Again, "the war would have lasted to the world's end if, in the end of Queen Elizabeth's reign, the Irish had not been broken by the sword."

James, the chief favorite of Heaven of all earthly princes, "in his wisdom, thought it fit still to maintain such competent forces here, as the law may make her progress and circuit about the realm *under the protection of the sword*, (as Virgo, the figure of justice, is by Leo in the zodiac,) until the people have perfectly learned the lesson of obedience, and the conquest be established in the hearts of all men."

James' method of gaining the hearts of men by the sweep of the sword, and the mode of peace-making of the Virgin Queen, whose subjects, God knows, had been sufficiently "broken by the sword," are deserving of attention.

One would think the attorney-general of the former need not have complained of the sparing use of his favorite instrument of civilization. Surely there was breaking enough with the sword, blood enough shed for any moderate legal appetite, but great lawyers have large stomachs and pliant consciences.

Davies had two consciences, however,—one that belonged to the Irish attorney-general,—the other that appertained to the English member of parliament.

There is no possibility of mistaking the drift of the several passages of his speech, on his appointment to the speakership of the Irish commons. No labor was spared to depreciate the character of the Irish parliament as an independent legislature.

The early parliaments were described as "councils,"—their proceedings were local ones,—their members a few unwilling colonists. Yet parliaments in England at the same period went

by the same name. Legislation for the sweep of the sword was not such fitting occupation for those bodies, as enactments for the local regulations of the several counties which were represented in them ; and if the Irish people were excluded from them, it is not to be wondered that the burgesses were not numerous. Nevertheless, after all the praise of Poyning's act, which struck at the root of parliamentary independence in Ireland, when Davies quitted Ireland, and took his seat in the English parliament, to his honor be it said, he spoke strenuously against the pretended right of binding Ireland by English acts of parliament, and Sir Edward Coke, on the same occasion, in the language he used (ambiguous as it was) recognized the justice of the principle enunciated by Davies.

The following account of the discussion in question, in the house of commons, January 1620, is taken from the excellent life of Davies, prefixed to the edition of his Tracts, published in 1787.

“ When it was moved to acquaint the king with the grievances of Ireland, considering how much blood and treasure it had cost this kingdom, Sir John said, “ It is expressly in the law books set down, that Ireland is a member of the crown of England ; yet this kingdom here cannot make laws to bind that kingdom : for they have there a parliament of their own.” Sir Edward Coke, who was the experienced leader of that house, suggested that, “ they ought to consider, first, *what we may do* ; and secondly, *what is fit to be done in a parliamentary course*. Ireland, (said he,) was never totally reduced till the coming of this king : for there was ever a back door in the north of that kingdom. If Ireland be not safe we cannot be sure ; but if Ireland be safe, our navy well furnished, and the *Low Countrymen* our fast friends, we need not fear the pope, nor the devil. It is both fit and lawful for us to *complain for Ireland* : that on such complaints the king doth order a reformation, and those things which may not be reformed, but by a parliament, his majesty doth put in a course, by giving order for a parliament in Ireland to remedy the abuses there.”\*

\* See Parl. Deb. 1620-21, vol. i. pp. 327-8.



## CHAPTER X.

WE come now to the consideration of another subject, only inferior in importance to that which has engaged our attention in the preceding chapter.

Did the English parliament, prior to the reign of Henry VII., claim or exercise the right of legislating for Ireland, and of carrying into effect the execution of laws in that country, which did not obtain the sanction of the Irish parliament?

In the records of the time of Henry III., cited in Coke's First Institute, fol. 141, there is a royal letter patent, in which we find the following words:—"Because for the common interest of the land of Ireland, and the unity of both countries, the king wills, and it is provided by his common council, that all laws and customs, which are observed in the kingdom of England, should be observed in Ireland; and that the said land should be subject to and governed by, the same laws, as our Lord King John, when he was last in Ireland, ordained and firmly commanded."\*

"All acts of parliament," says Lucas, "made in England before the 8th of Edward IV. were, by a parliament held at Drogheda that year, ratified, confirmed, and made the force of law in Ireland." And again, "All the statutes made by parliament in England for the common and public weal of that kingdom, before the 10th of Henry VII., were, by another parliament held at Drogheda that year, *made effectual in law*, and enacted to be observed, used, and executed within this land of Ireland in all points."†

Many other instances might be cited, in the succeeding reigns

\* Harris's *Hibernica*, vol. ii. p. 59.

† Lucas, 10th Address, p. 23.



down to the time of William III., when the British parliament legislated for, or rather against, the trade of Ireland.

It is not true that the practice began with the civil wars of Elizabeth and James; but it is unquestionable that these wars were made more than the pretext of interfering with the independence of the Irish parliament. These wars were made auxiliary to the supremacy of the imperial parliament. During their continuance the parliament in Ireland was prorogued for a long and indefinite period,—in the reign of Elizabeth for a quarter of a century.

During those troublesome times, Irish parliaments were sometimes summoned and held in England, for the purpose of obtaining supplies.

In the reign of Edward III. the Irish knights, citizens, and burgesses were summoned to England, and attended there to represent their kingdom. These prorogations and transferences of the Irish parliament were, in all probability, more the causes than the consequences of public commotion.

They took place generally when the Irish parliament grew restive in the hands of the undertakers, who governed the kingdom.

*“There was no general rebellion,”* says Lucas, *“in Ireland since the first British invasion, that was not raised or fomented by the oppression, instigation, evil influence, or connivance of the English. Let the world hence judge whether, from these, any handle may be taken to tyrannize over all classes of men in this kingdom indiscriminately.”\**

In the 10th year of Henry IV. it was enacted, in the Irish parliament, “that no law, made in the parliament of England, should be of force in Ireland till it was allowed and published by authority of the parliament in this kingdom.”

A similar statute was made in the 29th of Henry VI. These statutes are not to be found in the rolls, nor any parliament roll of that time; but a statement of Sir Richard Bolton, Chief Baron of the Exchequer in Ireland, is cited by Molyneux, to the following effect:—“He had seen the same exemplified under the great seal, and the exemplification remaineth in the treasury of the city of Waterford.”

\* Lucas, 10th Address, p. 24.

In the frequent troubles of Ireland many other rolls and records of the kingdom were lost. From the coming of Henry II., 1172, to the 7th of Henry VI., 1428, no parliamentary rolls, according to Molyneux, are to be found. The evidence of Davies, however, to such documents of an intermediate date,—the exemplification of the two acts of Henry IV. and Henry VI.,—shows that a claim to bind Ireland by English acts of parliament, though not expressly asserted in any English statute, was at an early period virtually claimed, but absolutely denied by the Irish parliament.

In the reign of Richard III. and Henry VII., in the case of certain merchants of Waterford involved in law proceedings in the English courts of justice, the judges' decision in favour of those merchants was given on these grounds:—"That Ireland could not be bound by statutes made in England, because Ireland sends no representatives to the British parliament."

For four hundred years after the connexion was established between the two countries, no such pretended right was asserted in an English statute.

"It is evident to demonstration," says Lucas, "that no law, statute, or ordinance, made in England, except such as were declaratory of the common law before received, were to be or pretended to be of any force in Ireland, till they were specially received, approved and confirmed by the Irish parliament."

This statement goes to prove too much; many acts that were passed in England, and transmitted to the Irish parliament for its sanction, and which received its sanction, were certainly not merely declaratory acts of common law previously in force.

Neither is it true that in the transmission of all such acts, it never was intended they should be in force in Ireland till they received the sanction of the Irish parliament.

This statement gives too much credit to the honesty of the intentions of the English parliament towards that of Ireland. The latter, it is perfectly true, for four hundred years after Henry II.'s acquisition of Ireland, maintained a noble struggle for its rights, with an unscrupulous, jealous, and insidious rival, and an enemy of its co-existent attributes.

Thus we find, that English laws were transmitted into Ireland, and executed there, but Molyneux contends that "all the charters, and grants of liberties, from Edward the Confessor's

time down to the 9th of Henry III. were but confirmations one of another, and all of them declarations and confirmations of the common law of England.”

And thus Ireland came to be governed by one and the same common law with England, and those laws continue as part of the municipal and fundamental laws of both kingdoms to this day.

By degrees all the statutes which were made in England, from the time of Magna Charta to the 10th of Henry VII., which did concern the common public weal, “were received, confirmed, allowed, and authorized to be of force in Ireland, which was done by the assent of the Irish parliament, and no otherwise.” \* \*

“We shall next inquire whether there are not other acts of the English parliament, both before and since the 10th of Henry VII., which were and are of force in Ireland, though not allowed of by parliament in this kingdom; and we shall find that by the opinion of our best lawyers, there are divers such; but then they are only such as are declaratory of the common law of England, and not introductive of any new law. For these become of force by the first general establishment of the common laws of England, in this kingdom, under Henry II., King John, and Henry III., and need no particular act of Ireland for their sanction.”\*

Molyneux maintains that it was only in his time (reign of William III.) that “a doubt began to be moved, whether Ireland was not bound by all the English statutes, since the 10th of Henry II., that are introductive of a new law.” \* \* \*

“But it is not to be found in any records in Ireland, that even any act of parliament introductive of a new law made in England, since the time of King John, was by the judgment of any court received for law or put into execution in the realm of Ireland before the same was confirmed and assented to by parliament in Ireland.”† \* \* \* \* \*

“’Tis urged that though perhaps such acts of England, which do not name Ireland, shall not be construed to bind Ireland, yet all such English statutes as mention Ireland either by the general words of all his majesty’s dominions, or by particularly naming of Ireland, are, and shall be of force in this kingdom.

\* Molyneux’s Case, p. 70.

† Molyneux’s Case, p. 77.



“ This being a doctrine first broached directly, (as I conceive,) by William Hussey, lord chief justice of the king’s bench in England, in the first year of Henry VII., and of late revived by the Lord Chief Justice Cook, and strongly urged and much relied upon in these latter days.\*

\* \* \* \* \*

“ ’Tis well known since Poyning’s act in Ireland, the 10th of Henry VII., no act can pass in our parliament here, till it be first assented to by the king and privy council of England, and transmitted hither under the broad seal of England. Now, the king and his privy council there have been so far from surmising that an act of parliament in England, mentioning only in general all the king’s dominions, or subjects, should bind Ireland, that they have clearly shown the contrary, by frequently transmitting to Ireland, to be passed into laws here, English statutes, wherein the general words of all the king’s dominions, or subjects, were contained, which would have been to no purpose, but merely ‘ *actum agere*,’ had Ireland been bound before by those English statutes.

“ But in the year 1641, and afterwards in Cromwell’s time, and since that in King Charles II., and again very lately in King William’s reign, some laws have been made in force in Ireland.”†

Molyneux enters into a long argument to show, that these things were only done in the confusion of the times, and in some cases were only confirmations of former acts, but it seems to me more consonant to truth, to state plainly these acts were acts of usurpation, which were detested, and in Ireland resisted, sometimes feebly,—after public commotions, often strenuously, though ineffectually, in parliament.

There is a passage in Borlase’s History of the Irish Rebellion, which bears out completely this view of the question :‡—“ It was declared by all the judges, and parliament, in 1640, in Ireland, that the subjects of this kingdom are a free people to be governed only according to the common law of England, and the statutes made by parliaments in this kingdom, and according to the lawful customs used in the same.”

\* Molyneux’s Case, pp. 81, 82.

† Molyneux’s Case, p. 99.

‡ Appendix, page 4.



And at page 96 of the appendix of the same work, he says :—  
 “ It is asserted by the clergy, that the 39 articles of the Church of England were not received here in subordination to the Church of England, but were received because they agreed with the doctrine of the Church of Ireland ; and the convocation of Ireland utterly refused to receive the canons made in England, but made canons of their own.”

The supremacy of the superior courts of judicature in England, the courts of king’s bench and chancery, has been relied on as an argument for the supremacy of the English parliament.

It appears, as observed by Lucas and Molyneux, that so early as the reign of Henry III., four knights were sent by the Lord Deputy, Gerald Fitzmaurice, into England, to know what was the state of the law on a controverted question, “ the king’s justice of Ireland being ignorant what the law was.”

In successive reigns similar questions were referred to England, and at length it was held that the court of king’s bench in Ireland was subordinate to that in England. Similar circumstances, attended with similar results, occurred with respect to the Irish court of chancery, and obtained the force of law.

These early appeals were general complaints to the king of Ireland, who was in England, by persons who thought themselves injured ; and it is the doctrine of lawyers, that in such appeals to the court of king’s bench, which is, *Aula Regia*, or *Curia Domini Regis*, it is the king to whom the suit is made, as laid down in Coke’s Fourth Institute, page 72. The king’s bench was presumed to be wherever the court was, and to follow the latter wherever it went—the sovereign being also presumed to preside over this court. Controverted judgments came to be brought before it from Ireland, but not in virtue of any pre-eminence over the Irish judicature, except that which it derived from the presumed presence of the king from its contact with the court.

Molyneux says, “ the same may be asserted of the court of chancery, because Scroope and Lombard held that the chancery did follow the king, as the king’s bench did. These reasons may be valid or otherwise, without affecting the question of the high claim of Ireland to independence of its courts. It is quite sufficient that their subordination to those of England was resisted and rejected, and only acquiesced in when resistance was of no avail.”

Neither Molyneux, Lucas, nor any of their late followers, have noticed the decision of the Irish chancellor, in the case of the Earl of Thomond, when it was adjudged by his lordship, and all the judges in this kingdom, assembled in chancery—"That the court of chancery in Ireland is not subject to the chancery of England, or subordinate to the same, but that the chancery of Ireland is of as great authority as the chancery of England, and not to be controlled thereby."\*

It is only in the mine of the political literature, in the separate treatises of early political writers, that we can obtain a true knowledge of the parliamentary transactions of those times. In the tracts collected and published by Harris, entitled "*Hibernica*," in the second volume, we find "a declaration setting forth how and by what means the laws and statutes of England, from time to time, came to be in force in Ireland, ascribed to Sir Richard Bolton, lord chancellor of Ireland, and the answer of Sir Samuel Mayart, serjeant-at-law, to the former production." These treatises are written in reference to a conference of the Irish commons with the committee of the lords, upon certain questions propounded to the Irish judges, in June, 1641. A declaration was made on that occasion by the prolocutor—"That the general statutes of England were received in Ireland,—some at one time, some at another; but all of them, by Poyning's act of the 10th of Henry VII., and that no other statute or new introductive law was first received and enacted in the parliament of that kingdom."

The declaration of the house of commons on that occasion was to the following effect:—"That the subjects of Ireland were a free people, and to be governed only according to the common law of England, and statutes established by the parliament of Ireland, and according to the lawful customs used therein."†

This was the beginning of the controversy, and in April, 1644, the proceedings in both houses were directed to the consideration of the declaration ascribed to Sir Richard Bolton, but the parliament was prorogued on the 6th of May; and it visibly appears,

\* Day's Car. 2.

† Harris's *Hibernica*, vol. ii. preface.

says Harris, that “a leaf was torn out (of the journals of the lords,) where the proceedings of the said sessions were entered, and the journals of the commons, of 1644, are all wanting, so that the resolutions on this subject of both houses of parliament are unknown.”

There are two remarkable passages in Bolton’s declaration, in which a great deal of conclusive reasoning will be found compressed in a very small space.

“If a king come to a christian kingdom by conquest, seeing he hath *potestatem vitæ et necis*, he may, at his pleasure, alter and change the laws of that kingdom; but until he doth make an alteration of those laws, the ancient laws of the kingdom remain: but if a christian king should conquer the kingdom of an infidel, and bring it under subjection, then, *ipso facto*, the laws of the infidel are abrogated; for that they be not only against christianity, but against the law of God and nature, contained in the decalogue: and in that case, until certain laws be established amongst them, the king by himself, and such judges as he shall appoint, shall judge them and their causes, according to natural equity, in such sort as kings in ancient times did within their kingdoms before any certain laws were given. But if a king have a kingdom by title of descent, there, seeing by the laws of that kingdom he doth inherit the kingdom, he cannot change those laws of himself, without consent of parliament. Also, if a king have a christian kingdom by conquest, as *King Henry II. had Ireland*; after King John had given unto them, (being under his obedience,) the laws of England for the government of that kingdom, which are not only regal but also politic; no succeeding king could alter the same without a parliament of that kingdom as appears in Calvin’s case, Cooke’s lib. 7, folio 17.\*

“And now, inasmuch as the laws of England and Ireland do not admit of any inconveniences, it is to be considered what inconveniences may follow, if the kingdom of Ireland should be bound by any statute made in England, and not confirmed by act of parliament in Ireland. First, the parliament of Ireland should be nugatory and superfluous, if by naming Ireland in any statute made in England, Ireland should be bound: then all

\* Harris’s *Hibernica*, part ii. p. 28.



these parliaments which have been holden in Ireland since 12th John, for the space of about four hundred years, should have been needless and superfluous, which is not to be imagined. Secondly, if the statutes made in England, by expressing Ireland, should be binding, then, by the same, a statute made in England may repeal, alter, or change all the laws and statutes, which hitherto have been made and approved, or hereafter shall be made or approved in Ireland, which were a thing marvellously inconvenient for that kingdom. And Mr. Littleton saith, ‘that the laws will rather suffer a particular mischief than a general inconveniency;’ and it is most certain that ‘*Argumentum ab inconvenienti est in lege fortissimum.*’ An argument drawn from any inconvenience is of the greatest force in law. Thirdly, if the parliaments in Ireland and England be holden at one and the same time, as they now are; and one parliament shall make a law, and the other likewise should make another law, direct contrary to the other in the same point, it may be demanded, which of these laws shall be obeyed in Ireland? Fourthly, if the statutes made in Ireland, by those who best know the state and condition of the kingdom of Ireland, and of the people there, shall not be repealed, or any ways altered or changed; or when laws be imposed by the parliament of England, which cannot possibly know the state and condition of Ireland so well as those which are inhabiting, and have been born and lived many years in that kingdom, it would be very inconvenient for them.\* \* \* \* \*

“I cannot conceive why the laws and statutes made in Ireland should be controlled or any ways altered by any other authority than by the parliament of that kingdom. ‘*Nil tam conveniens naturali æquitati unumquemque dissolvi eo ligamene, quo ligatus est.*’ Nothing is so agreeable to natural equity, as that every ones should be unbound by the same authority by which he was bound.”†

The declaration ascribed to Sir Richard Bolton, “how the laws of England came to be in force in Ireland,” must have been published about 1642, for in that year it was first made the subject of parliamentary discussion. At the expiration of fifty-six years

\* Harris’s *Hibernica*, vol. ii, p. 30.

† Harris’s *Hibernica*, vol. ii, p. 31.



from the date of the latter, Molyneux's "Case of Ireland" was published, in 1698 ; sixty years elapsed between the latter publication, and that of Lucas's addresses to the citizens of Dublin, 1738, and between that period and the date of Irish independence 1782, forty-four years elapsed. From the time when Bolton's declaration first stirred the great question of independence, which was set at rest for a short period by Grattan in 1782, the duration of the interval was one hundred and forty years. How long is the interval to be, between the robbery of the parliament itself in 1800, and the restoration of it ?

## CHAPTER XI.

WE have now to consider whether the compact entered into by Henry and his three successors, with the Irish people, was observed or violated.

The real nature of the English settlement established in Ireland, the limits to its legal power and authority, so late as the reign of Elizabeth, the barbarity of the colonial policy pursued in Ireland, its murderous influence and effects; the general attainder of the natives of the country, the seizure of the soil, the three sweeping confiscations in a century, and finally, the state of the connexion between the two countries, in the reign of James I., are more clearly and compendiously set forth in the speech of Lord Clare on the Union, in the Irish parliament, than in any history of those times. The speech of that most able and unprincipled man, who, on the occasion referred to, made no scruple to avow, "that in every communication which he had had with the king's minister for the last seven years, he had uniformly and distinctly pressed upon him the urgent necessity of Union!"\*

His facts are unquestionable; his deductions are utterly at variance with them. The former are valuable; for, coming as they do from the bitterest of all the enemies of Irish independence, no partiality to the interests of his country can reasonably be suspected: "*fas est ab hoste doceri.*"

He sets out with asserting the connexion with England originated in a federal compact of some old Irish chiefs with the English king. "If the conquest of Ireland was the object of the English king, his embarrassments on the continent seem to

\* Parliamentary Report. Dub. 1800.

have disabled him from effecting it, the first English settlements here having been merely colonial, such as have since been made by the different nations of Europe, on the coasts of Asia, Africa, or America. During several successive reigns, the English colony was left to thrive by its own strength and resources, having received no other reinforcement than the occasional arrival of British adventurers. The consequence was, that for centuries the English pale was not pushed beyond its original limits. So late as the reign of Henry VIII., it consisted of four shires only, and Mr. Allen, then master of the rolls, reported to the king, that his laws were not obeyed twenty miles from the capital. The common observation of the country was, ‘that they who dwelt by west of the river Barrow, dwelt by west of the law.’ ”

The attempt, he says, to introduce English statute law, proved altogether abortive. When the lord deputy applied to Maguire, chief of Fermanagh, to receive a sheriff commissioned by Henry VIII., the chief of Fermanagh replied: “Your sheriff shall be welcome to me, but if he comes, send me his ‘Eric’ (price of his head), that, if my people slay him, I may fine them accordingly!!”

[Up to this time the savage policy of the British government was to discourage all connexion of the colonists with the native Irish.]

“The statute of Kilkenny, enacted in the reign of Edward III., prohibited marriage or gossiped with the Irishry, claiming the benefit of the Brehon law, by any person of English blood, under the penalties of treason.

“It was a declaration,” says Lord Clare, “for perpetual war, not only against the native Irish, but against every person of English blood who had settled beyond the limits of the pale, and from motives of personal interest or convenience had formed connexions with the natives, or adopted their laws and customs.”

[The murderous policy of the pale, which treated the people of the country as the natural enemies of the colonists, whom it was permissible to kill and spoil, on the plea of the pale privilege and the payment of a trifling fine, received a new element of destructiveness in the reign of Edward VI., and the efforts made to force the reformed liturgy upon the Irish people, when they

were summarily called upon, on pain of death, to abjure the religion of their ancestors.

In the succeeding reign, the nation was called on to abjure the Reformation.

In the next reign the nation was again called on to return to the reformed liturgy, and from that time a war of extermination, with brief intervals, not of repose but of lassitude in the career of oppression, and of exhaustion in that of resistance, was waged against the unhappy people.]

“The violence,” says Lord Clare, “committed by the regency of Edward, and continued by Elizabeth, to force the reformed religion in Ireland, had no other effect than to foment a general disaffection to the English government—a disaffection so general as to induce Philip II. of Spain to attempt partial descents on the southern coasts of this island, preparatory to his meditated attack upon England. Elizabeth quickly saw her danger, and that it was necessary without delay to secure the possession of Ireland: she sent over a powerful and well-appointed army, and after a difficult and bloody war of seven years, effected the complete reduction of the island, which to the period of this first conquest, had been divided into a number of licentious and independent tribes, under the rule of the ancient chiefs of the country and powerful lords of English blood, who had obtained profuse territorial grants.

“She did not, however, live to see this reduction completed: the capitulation with O’Neale, was not signed till some time after her death, and, therefore, her successor must be considered as the first English monarch who possessed the complete dominion of Ireland.”

The accession of James I. (continues Lord Clare,) was as the era of connexion between the sister islands. “Then, for the first time, was the spirit of resistance to the English power broken down, and the English laws universally acknowledged.” A few observations, that do not occupy a page of printed matter, follow; and his lordship, with that extraordinary recklessness which characterized his mode of reasoning, proceeds to point out the barbarous policy of the laws which James introduced for the enforcement of the reformed liturgy, and the universal disaffection which sprung up, in consequence of those laws and other



measures of his—thus directly contradicting the preceding statement “that the English laws were universally acknowledged.”

“The first object of the king seems to have been to establish the reformation, but in pursuing it, unfortunately he adopted the same course by which his predecessors had been misled, but his measures were attended with much more serious and extensive consequences. Their orders for religious reformation had extended only to the churches and districts within the pale; but the orders sent by the council of James I. extended to the whole island. The province of Ulster had been the principal theatre of the late war, and had been confiscated and seized into the hands of the crown. The old proprietors who had led the revolt, were expelled, and replaced by a new set of adventurers from England and Scotland—all protestants, who, with a new religion, brought over with them a new source of contention with the inhabitants. \* \* \* \* \*

“The distinction of Englishry and Irishry had been nearly effaced in the time of Elizabeth, and was succeeded by a new schism of protestant and papist, but from the first introduction of his protestant colony, by James I., the old distinctions of native Irish and degenerate English, and English of blood, and English of birth, were lost and forgotten; all rallied to the banner of the popish faith, and looked upon the new protestant settlers as the common aggressors and enemy, and it is a melancholy truth, that from that day, all have clung to the popish religion as a common bond of union, and a hereditary pledge of animosity to British settlers and the British nation. \* \* \* \* \*

“James I. was *therefore* driven to the necessity of treating the old inhabitants as a conquered people, and governing their country as an English province, or of fortifying his protestant colony, by investing them exclusively with the artificial power of a separate government, *which on every principle of self-interest, and self-preservation, they were bound to administer in concert with England.*”

So much for the universal acknowledgement of the English laws in James I.’s time, and in that of his successors, Charles and Cromwell.

Lord Clare observes: “The steady government of Strafford kept down these animosities, which had continued with unabated

rancour until his time. But at his removal, the old inhabitants, taking advantage of the weakness and distraction of the English government, broke out into open hostility and rebellion. The flame had long been smothered, and at length burst forth with a terrible explosion. The native Irish began the insurrection; but were soon joined by the English colony and lords of English blood, with few exceptions; and, after a fierce and bloody contest of eleven years, in which the face of the whole island was desolated, and its population nearly extinguished by war, pestilence, and famine, the insurgents were subdued, and suffered all the calamities which could be inflicted on a vanquished party, in a long contested civil war; this was a civil war of extermination."

[The steady government of Strafford was displayed in his proceedings in the Court of Castle Chamber in Ireland, which was much of the same nature as the Star Chamber in England, and in his barbarous policy towards the Irishry, of which we have some evidences given on his trial.\* The third article of the accumulated treason with which he was charged sets forth:—

“That on the 30th of September, in the 9th of Charles I., he said, in a public speech before divers of the nobility and gentry of Ireland, that *Ireland* was a conquered nation, and that the king might do with them what he pleased.”

And speaking of the charters former kings of England made to the city of Dublin, he further said, “That their charters were worth nothing, and did bind the king no farther than he pleased.”]

“Cromwell’s first act,” says Lord Clare, “was to collect all the native Irish who had survived the general desolation, and remained in the country, and to transplant them into the province of Connaught, which had been completely depopulated and laid waste in the progress of the rebellion. They were ordered to retire there by a certain day, and forbidden to repass the river Shannon on pain of death, and this sentence of deportation was rigidly enforced until the restoration. Their ancient possessions were seized and given up to the conquerors, as were the possessions of every man who had taken a part in the rebellion, or followed the fortunes of the king, after the murder of Charles I.

\* Fourth volume of Rushworth’s collection.

And this whole fund was distributed amongst the officers and soldiers of Cromwell's army, in satisfaction of the arrears of their pay, and adventurers who had advanced money to defray the expenses of the war. And thus a new colony of new settlers, composed of all the various sects which then infested England—Independents, Anabaptists, Seceders, Brownists, Socinians, Millenarians, and Dissenters of every description, many of them infected with the leaven of democracy, poured into Ireland, and were put into possession of the ancient inheritance of its inhabitants." \* \*

"Charles II. was restored," and his lordship tells us, "The civil war of 1641, *the rebellion* against the crown of England, and the complete reduction of the Irish rebels by Cromwell, redounded essentially to the advantage of the British empire. But admitting the principle in its fullest extent, it is impossible to defend the Acts of Settlement and Explanation, by which it was carried into effect." \* \* \* \* \*

"The Act of Settlement professes to have for its object the execution of his majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers and others, his subjects there, and after reciting the rebellion, the enormities committed in the progress of it, and the final reduction of the rebels by the king's English and protestant subjects, by a general sweeping clause, vests in the king, his heirs and successors, all estates real and personal, of every kind whatsoever in the kingdom of Ireland, which at any time from the 21st of October, 1641, were seized or sequestered, into the hands or to the use of Charles I. or the then king, or otherwise disposed of, set out or set apart by reason or on account of the rebellion." \* \* \* \* \*

"And having thus, in the first instance, vested three-fourths of the land and personal property of the inhabitants of this island in the king, commissioners are appointed with full and exclusive authority, to hear and determine all claims upon the general fund, whether of officers and soldiers for arrears of pay, of adventurers who had advanced money for carrying on the war, or of innocent papists, as they are called; in other words, of the old inhabitants of the island, who had been dispossessed by Cromwell, not for having taken a part in the rebellion against the English crown, *but for their attachment to the fortunes of Charles II.*"



“ I wish,” continues his lordship, “ gentlemen, who call themselves the dignified and independent Irish nation, to know that seven millions eight hundred thousand acres of land were set out under the authority of this act, to a motley crew of English adventurers, civil and military, nearly to the total exclusion of the old inhabitants of the island, many of whom, who were innocent of the rebellion, lost their inheritance, as well for the difficulties imposed upon them by the court of claims, in the proofs required of their innocency, as from a deficiency in the fund for reprisal to English adventurers, arising principally from a profuse grant made by the crown to the Duke of York. \* \* \*

“ After the expulsion of James from the throne of England, the old inhabitants made a final effort for recovery of their ancient power, in which they were once more defeated by an English army, and the slender reliques of Irish possessions became the subject of fresh confiscation. From the report made by the commissioners appointed by the parliament of England in 1698, it appears that the Irish subjects, outlawed for the rebellion of 1688, amounted to the number of 3978; and that their Irish possessions, as far as could be computed, were of the value annually £211,623, comprising 1,060,792 acres. This fund was sold under the authority of an English act of parliament, to defray the expenses incurred by England in reducing the rebels of 1688, and the sale introduced into Ireland a new set of adventurers!

“ It is a subject of curious and important speculation to look back to the forfeitures of Ireland incurred in the last century. The superficial contents of the island are calculated at 11,426,82 acres. Let us now examine the state of forfeitures :

	Acres.
Confiscated in the reign of James I., the whole of the } province of Ulster, containing..... }	2,836,837
Set out by the court of claims at the Restoration.....	7,800,000
Forfeiture of 1688.....	1,060,792
Total acres.. .....	11,697,629

“ So that the whole of your island has been confiscated, with the exception of the estates of five or six old families of English blood, some of whom had been attainted in the reign of Henry VIII., but recovered their possessions before Tyrone’s rebellion, and had the good fortune to escape the pillage of the



English republic, inflicted by Cromwell; and no inconsiderable portion of the island has been confiscated twice, or perhaps thrice, in the course of a century. The situation, therefore, of the Irish nation, at the revolution, stands unparalleled in the history of the inhabited world. If the wars of England, carried on here from the reign of Elizabeth, had been waged against a foreign enemy, the inhabitants would have retained their possessions under the established law of civilized nations, and their country have been annexed as a province to the British empire. But the continued and persevering resistance of Ireland to the British crown during the whole of the last century was mere rebellion, and the municipal law of England attached upon the crime. What, then, was the situation of Ireland at the revolution, and what is it at this day? The whole power and property of the country has been conferred by successive monarchs of England upon an English colony, composed of three sets of English adventurers who poured into this country at the termination of three successive rebellions.”\*

When the reader reads in the foregoing pages bare statements of momentous events, such as the account of a seven years' civil war, another of eleven, a war of extermination, and three sweeping confiscations of the island, in a period of one hundred years, it is requisite for him to fill up the terrible picture on his mind of all the sufferings, calamities, privations, cruelties, massacres, famines, and pestilential diseases that the wretched people suffered and endured in these wars, famines and confiscations!!!

The noble author I have quoted gives only the grim and ghastly outlines of this cycle of the terrible regime of blood and rapacity that constitutes the government of Ireland, for a period exceeding six hundred years.

But the period that Lord Clare has chosen to illustrate, is sufficient for examination, and for all the purposes of this inquiry; it is more than sufficient to show that the barbarities committed by the Spaniards on the natives of Mexico, Peru, Haiti, and the adjacent islands, were surpassed in Ireland; that the savagery practised in Ireland was more systematic, murderous, and unremitting than it ever was in the new world, and more criminal

\* Lord Clare's speech on the Union, p. 21—Report, Milliken, Dub. 1800.

on the part of the English government, inasmuch as its laws sanctioned every violation of justice and humanity, while those of Spain, from first to last, refused their sanction to the iniquities of the conquistadores, and the government of Spain had the decency, even whilst it despised the laws of God and the rights of humanity, to defer to the opinion of the world, and to play the hypocrite, by framing laws for the protection of the Indians, which it knew would never be carried into effect.

Miserable merit there might be in that hypocrisy, but something of the sense of shame, and of the recognition of the claims of humanity, and of the rights of human beings, there was, in the reluctance that prevailed to pollute the code of Spain with sanguinary and inhuman edicts.

One of the most powerful of the political writers of 1778, whose pieces bore the signature of Guatimozin, summing up his comments on this subject, disposes of it in a few remarkable words:—"If you would see Irish grievances, turn over your statute book. Look for the word Ireland, or for the word penalty, 'tis equal which, for where you meet the first, the second inevitably follows; so that you may trace Ireland through the penal code, as you would track a wounded man through a crowd by blood."

Barrington has noticed a few of the penal laws, from the time of William III. and but a few, by no means more barbarous than many others of the bloody code.\*

"By 7th William III.,—No protestant in Ireland was allowed to instruct any papist.

"By 8th Anne,—No papist was allowed to instruct any other papist.

"By 7th William III.,—No papist was allowed to be sent out of Ireland to be educated.

"By 12th George I.,—Any catholic priest marrying a protestant and catholic, was to be hanged.

"By 7th George II.,—Any barrister or attorney marrying a catholic, to be dis-barred.

"By 2nd Anne,—Any papist priest coming into Ireland and officiating, to be hanged.

"By 8th Anne,—Fifty pounds to be paid to all informers against catholic archbishops and vicars-general.

\* Barrington's Rise and Fall, p. 221.

“ By 7th William III.,—No papist allowed to ride any horse worth more than £5.

“ By 9th George II.,—Papists residing in Ireland must make good to protestants, all losses sustained by ravages on the coast of Ireland by the privateers of any catholic king.

“ By 29th George II.,—Barristers and attorneys were obliged to waive their privileges, and betray the secrets of their clients, if papists.

God forbid that the pall, which covers the horrid corpse of the policy of the “ pale” and the penal code, should be lifted for the purpose of presenting frightful apparitions of crime and suffering, or of renewing ancient rancours between the descendants of the lord of the pale and those of the proscribed race, the oppressor and the oppressed, Celt and Saxon, Catholic and Protestant,—in effect, between those who are not answerable for the misdeeds of their ancestors, and those who have their own grievances to redress, and not the calamities of bye-gone barbarous ages to avenge—in a word, between the Irish and the English of our days!

A far different object than the revival of ancient rancours is to be effected by recalling the feuds, the proscriptions, the carnage, confiscations, the violated engagements of past times.

The object that is sought is to show the English people that we have suffered great wrongs at the hands of their governments—that we have great claims on their justice—that it is not to their pity we have to appeal, but to their pride, the pride of a nation whose prominent boast is its love of justice,—whose best characteristic is the love of what is termed in honest, homely Saxon words—fair play.

It was by foul play that Irish independence, stipulated for by those who conferred the title of lord of Ireland on the second Henry, and guaranteed by each of his successors, till the reign of Henry VII., was first violated by the act that bears the name of Sir Edward Poynings.

It was by foul play that James I. packed the Irish parliament, and converted it into a convocation of fanatics, by making close boroughs of his “ Protestant colonies.”

It was by foul play that the Catholics were deprived, in the reign of William III., of the privilege of sitting in parliament,



after all their rights and privileges had been confirmed to them by the treaty of Limerick.

It was by foul play that the parliament of Ireland was legislated for in England, in the same reign, 10th and 11th of William III., and the most prosperous manufacture of Ireland, the woollen manufacture, was prohibited, under penalties for its exportation, of imprisonment, and fine, by confiscation of goods; and, where the confiscated goods did not answer the inflicted fine, of transportation,—the laws declaring that *he* (the offender) *shall be transported to the plantations!!!* An act, passed in virtue of what Sir William Blackstone called the dominion of the *sovereign legislative parliament*.

It was by foul play that the Irish parliament was rendered a mere court for registering English ministerial acts, the “umbra” of a representative, deliberative assembly, and kept thus degraded, till the volunteers of 1782 sent the intimation of the nation’s will, booming with the echoes of the artillery at Duggannon, across the channel, demanding the restoration of the independence of which they had been deprived, and their demand was conceded fully, frankly, and, in the words of the minister of the day, the concession was a “final settlement.” And lastly, at the expiration of eighteen years, from that final settlement, it was by foul play,—the foulest of the foul,—soiled and filthied with every kind of subtle baseness and individual turpitude, broken faith, governmental abandonment, the shedding of much blood, public prostitution, enormous corruption, vast expenditure on a worthless object, and lavish profusion of noble titles on worthless men, that Ireland was robbed of her parliament.

Thus, the solemn engagement of Henry II., ratified by two of his successors, stipulating that Ireland should have the same laws and independent institutions which Britain possessed, was violated; and, since the act of union, the faith of England remains broken with the Irish people.

Here is the language which was held by an English baronet in 1778, in reference to the efforts which were then making in Ireland to regain the independence of the parliament and the freedom of Irish trade. The latter object he reprobated, being the representative in the British House of Commons of a great manufacturing district.



In reference to the former one, Sir Christopher Wray, in a letter addressed to the publisher of the *Freeman's Journal*, used the following words, which, to his honour, deserves to be remembered—" *I detest and abhor that dangerous, anti-constitutional, tyrannical position of the English law, that 'Ireland ought to be subordinate and dependent' on the British crown; and that the king's majesty, with the consent of the lords and commons of Great Britain in parliament, hath power to make laws to bind the people of Ireland. Sir, I ever opposed such a position in respect to America—I will ever oppose it in respect to Ireland.*"\*

People of England, gentlemen of England, journalists of England, and last and least of all, government of England, do like this just man; look on the question not as it affects your imperial pride,—your imperial interests, but as it affects the honor of your national character, and the eternal interests of justice. Declare openly in the face of heaven what many of you feel, but unfortunately are deterred from expressing, that you detest and abhor that dangerous and anti-constitutional tyrannical position of the English law which has effected in Ireland, what was attempted to be effected in America, and which was opposed by all good men of all parties in your country.

\* Reprint of the letters of Guatimozin and Causidicus, Dub. 1779.

## CHAPTER XII.

AT the commencement of this treatise, I gave some account of the annexation of the crown of Portugal to that of Spain. The results of that union remain to be noticed; and, also, the circumstances under which Spanish domination endured in Portugal, for a period of sixty years. In 1640, John, Duke of Braganza, began to have the eyes of all Portugal fixed on his movements. He was then living in seclusion at Villa Viciosa, the seat of his ancestors. His father's chief aim had been to inflame his mind against the usurpers of the crown which belonged to him. But the duke was not a man easily inflamed, or even roused from the natural indolence and *insouciance* of his disposition. He disliked the Spaniards, and had a sort of affection for his country; he was a man of sound discretion, free from glaring vices, and would have preferred a state of tranquil obscurity to the splendid misery of a throne. It had been a part of the Spanish policy to seek to extinguish his influence over his countrymen, by heaping invidious honors and distinctions on him. He had been offered the office of Governor of Milan, and refused it; he had been invited to join the Spanish army, on the frontiers of Arragon, and declined the invitation. The post, however, of commander-in-chief of all the fortresses in the kingdom, had been forced on him; but still he resisted Spanish influence, and even availed himself of his foreign official dignity, to assume all the splendor of his rank and former station. The change was not ill-timed, nor were the ideas it suggested without their value in the minds of his countrymen. His legal adviser, and manager of his pecuniary affairs, an eminent doctor of laws, John Pinto Ribiero, erroneously styled by Vertot, "the steward of his household," took the most effective means of promoting the duke's interests, and this without the apparent

consent or knowledge of the latter. He rallied the dispirited Portuguese of distinction; in assemblies, convened ostensibly for convivial pleasures, and when he knew his men, railed against the Spanish tyrants, reminded the nobility of their former honors, lamented their humiliations, their compulsory attendance at the Spanish court, and their necessary obedience to the commands of the Spanish sovereign, when he summoned the flower of their nobility to join his standard in a foreign country. With the merchants, he bewailed the decline of commerce, the transference of the trade of the Indies to Cadiz. With the clergy, he condoled on the violation of their privileges and immunities, on the possession of their richest benefices and preferments by foreign incumbents. He truly represented to the popular subordinate judges and magisterial officials (the *juizes de pove* and *escrivanos*), the withdrawal of the youth of Portugal, and their employment in Spanish armies in Catalonia and elsewhere, and the ruin thus brought on the industrial resources of their country, as an exile and a drain on the nation's strength, in the prosecution of Spanish policy.\*

About two years before the revolution an insurrection had broken out at Evora, in consequence of excessive imposts newly levied in that district. The insurrection was suppressed, and no disposition shown for several months after the restoration of order to punish the persons implicated in that movement. All offences were apparently forgotten and forgiven, when the Spanish government ordered the prosecution of the offenders; numbers were executed, and their punishment assumed the character of cruelty and perfidy. "Two things especially," says the author of "The Spanish Revolutions," "brought those people to resolve upon the last extremity. The first was, that Vasconcellos established a duty of one-fifth upon all merchandize that was either imported or exported; an excessive and most tyrannical impost, and never heard of in the most despotic monarchies. [What would the author say if he lived to examine the present Portuguese tariff?] The second was, that the province of Catalonia being revolted from its subjection to Spain, the Duke of Olivarez published the 'Arriere ban,' commanding all persons included therein to serve

\* Vertot's "History of the Revolution in Portugal," Lond. Ed. 1700, p. 29.



in the Catalonian wars. This order would have completed the ruin of the nobility, by the vast expense of such a remote and tedious campaign."\* The Duke of Braganza replied to Ribiero's first overtures, that "the time when God would deliver the nation from its wretched bondage, was not yet come." Ribiero was of a different opinion, and he, accordingly, procured a meeting of the "fidalgos" to be held, with the Archbishop of Lisbon at the head of them. The Archbishop was a member of the noble house of De Cunha, a man well experienced in the affairs of the world, and, from a long residence in Spain, in a dignified ecclesiastical capacity, intimately acquainted with the Spanish court. He possessed great powers of eloquence, and influence over all classes. He had the reputation of a virtuous prelate; his life was blameless, and neither at a foreign court nor in the exalted station he held in his own country, had he forfeited the respect of the Spaniards, nor the confidence of his own countrymen.

The conspiracy dragged on slowly for some time, till a sudden impulse was given to its movement by a discourse of the archbishop at a meeting of the Almadras, Almeides, and Mellos, for it was a singular thing in this conspiracy that the sons of the principal leaders were leagued with their fathers, in the same political confederacy. He set before the assembled nobles, the intolerable grievances under which they laboured, reminded them of the number of their order whom Philip II. had butchered to secure the conquest of their country, of the brief of absolution obtained from Rome, on account of the multitude of priests, and others of religious orders, whom he had caused to be put to death, to secure his usurpation, and since that, of the innumerable victims to the inhuman policy of the Spaniards in their country. The church, he said, had been filled with a scandalous clergy, the creatures of Vasconcellos. The people were borne down with excessive taxes. Their nobility were summoned to the Spanish court, and were treated with contempt by the Castilians in Spain, while these strangers enjoyed their estates in Portugal. He concluded by assuring them that so great were the miseries of his country, he would rather die ten thousand deaths than witness

\* "History of the Revolutions in Spain," Lond. Ed. 4 vols. 1724, vol. ii, p. 440.

the increase of them, nor would he desire to live, but that he entertained the hope that so many noble persons were not met together in vain.\*

The discourse had its desired effect. The tyranny of their Spanish rulers, the astute wicked conduct of their Portuguese agent Vasconcellos, the individual wrongs of the persons assembled, of some whose estates had been unjustly confiscated, of others who had lost fathers, brothers, friends, who had been sacrificed for the cause of their country, “these considerations (says Vertot) joined to their own private animosities made them unanimously resolve to venture life and fortune rather than any longer bear the heavy yoke.”† The question of the form of government caused a division among them; some were for a republic like that of Holland, some for a monarchy, and those who were in favour of the latter were divided between the adherents of the Duke of Braganza, the Marquis of Villareal, and the Duke of Aveiro, all princes of the blood royal. The archbishop declared for the Duke of Braganza. Pinto wrote to the duke, informing him of the success of the first meeting, and advised his coming to Lisbon as if on private business, to encourage his partizans, but took care to keep his communication with the duke a profound secret, even from those who declared for D. John in the assembly. Pinto Ribiero even took care to express great doubts of the duke’s entering into the design. The duke came up from Villa Viciosa to Almada, a castle near Lisbon, with a magnificent equipage, attended by a cortege befitting a sovereign. The people surrounded him in multitudes as if waiting for his assent to proclaim him king. But the duke was too prudent to trust so vast an enterprize to the uncertain issue of a popular commotion. He treated them with reserved benignity, as if he was constrained from manifesting his love for them, and he did not even enter Lisbon, to avoid giving umbrage to the Spaniards.

Pinto managed to get a deputation appointed by the conspirators to wait upon the duke at Almada, for the purpose of soliciting him to accept the crown. The duke granted the interview, but prudently limited the number of persons of the deputation to three. Miguel d’Almeida, Antonio d’Almada, and

\* “Bellum Lusitanium,” and Vertot’s History.

† Vertot’s Revolutions of Portugal, p. 27.

Pedro Mendoza were chosen. Almada was the spokesman on the occasion. Vertot informs us that he represented to the duke the unhappy state of Portugal, its degradation, and destitution under the Spanish yoke,—the danger which every man of influence, or former rank and station was exposed to, from Spanish jealousy, and more than any other the Duke himself. When he had pretty well exhausted these topics, he took another line of argument, which, like the postscript of a lady's letter, was reserved for the most important part of the communication. He said "it only remained for him to remind the noble duke that Spain no longer held the balance of the power of Europe in her hands. That monarchy once so formidable could scarcely now preserve its ancient territories. The French and Dutch not only waged war against it, but had often overcome it, and Catalonia itself then employed the greatest part of its forces. It had scarcely an army on foot. The treasury was exhausted, the kingdom was governed by a weak prince, who was himself swayed by a minister who was abhorred by the nation." He then represented what hopes they might find on the professed enmity of most of the princes of Europe to the Spanish sovereign, and on such encouragement as Holland and Catalonia had met with from that able statesman, Cardinal Richelieu, whose mighty genius seemed bent on the destruction of the Spanish power. In fine, that there never was a more favourable opportunity for the assertion of his rights, and the delivery of his country from a foreign yoke.

The duke neither accepted nor rejected the proposal made to him; he commended their zeal for the interests of Portugal, and their anxiety for his welfare, but "he feared that matters were not ripe for so great an enterprize, which if not brought to a happy result would prove fatal to them all."\*

The Duke returned to his palace, and communicated every thing to his wife, with whom he never failed to advise in every important matter. The duchess was a person of a noble mind and spirit, worthy of the confidence reposed in her wisdom. She was a noble Castilian lady, Donna Suisa de Guzman, daughter of the Duke of Medina Sidonia. She asked the duke, "in case the Portuguese, acting on his rejection of their proposal, should

\* Vertot's History of the Revolution of Portugal, p. 33.



decide on a republic, would he join with them, or with the King of Spain?" The duke replied, with his countrymen undoubtedly, for whose liberty he would venture his life. The duchess then said, "why cannot you do for your own sake what you would do as a member of the commonwealth?" After this she urged his right to the crown, the wrongs the people suffered at the hands of the Castilians, and reminded him, "it was inconsistent with the honor of a person of his quality to be an idle looker on, that his children would reproach his memory, and posterity execrate it for neglecting so fair an opportunity of restoring them what they ought in justice to have had.

The duke probably required not much persuasion to accept the offer made to him, by the advice of his lady; he deferred, however, appearing openly in the business till the conspiracy was more matured, and its numbers augmented.

At this juncture, (the Spanish government being acquainted with the posture of affairs at Lisbon,) the duke was summoned to Spain, to report in person to the king the condition of the forts and garrisons. Assurances were given to him at the same time by the minister, that his reception would be in every respect such as was due to his deserts. The duke perceived his destruction was resolved upon; he concluded he was betrayed. He despatched a messenger to Madrid to acquaint the minister that he would obey the summons, and immediately make his preparation for the journey.

Some days after this answer was returned to the minister, the same messenger (duly instructed by his master) brought an account to Olivarez of the duke's having suddenly fallen sick. When this pretext failed, the messenger presented a memorial, praying to have the affair of his master's precedence in the court adjusted. In the meantime events hastened to the desired end in Portugal. The chief conspirators determined on the day their plans were to be carried into execution. An assembly was called, the question of the proclamation of Dom John, or the establishment of a republic was again discussed, and the decision was in favour of the former. The Padre Nicolao Maia, who took an active part in the revolution and has left the best account extant of it, says, that the plans of the conspirators in the month of August, began to be carried into effect, "when the Spaniards entered on new

persecutions (of which the conspirators it was said were timely apprized), and if Providence had not been propitious, the project of uniting the two crowns would have been effected.”\*

The Padre Maia was employed to keep the people in expectation of some event, without disclosing to them any part of the plans or object of the leaders, to communicate with the judges of the people (de Povo) and other subordinate authorities, who had risen from the people, or whose sympathies were with them. At length Maia procured a meeting to be held at the house of D. Antao de Almada, where it was finally determined that the people should be informed an opportunity would arise, when they would be expected to follow the nobility when the time for action came. Maia states, that without the co-operation of the clergy the enterprize never could have succeeded. The illustrious Archbishop of Lisbon, D. Roderigo de Cunha, Fereira the Prior of St. Nicholas, a Rev. Doctor of the inquisition, Stephen de Cunha, and the Friar Luis de Abren, were indefatigable in their exertions, but no less discreet than energetic. There was scarcely a night, says Maia, that meetings were not held at the house of John Pinto Ribiero.†

“On the Friday” says Maia, “before the attempt, the conspirators met in the garden of Dom Antao de Almada, when it was announced that one of their party had been seen on the opposite side of the Tagus, where he had been to reveal their secrets to the secretary Vasconcellos. This intelligence (which turned out to be erroneous,) threw the assembly into consternation. Nevertheless, their wonted intrepidity was soon exhibited in the proposal of several of them, to make an immediate effort, and to commence by seizing on Vasconcellos, and proclaiming the Duke of Braganza. Some proposed a night attack on Vasconcellos, at an hour when he was accustomed to receive his friends, and put all of them to death. This vile counsel the brave old man, Michael de Almeida, reprobated. He said, the day revealed the

\* *Relaçao de Felice Aclamacao*, por N. de Maia, Lisboa, 1641, reprinted Lobo, 1803, p. 339.

† This man was a distinguished jurist, a Doctor of law, a successful prose writer, a tolerable poet, author of a work on the duties of a judge, the rights of his master to the crown. His works, embracing compositions in all these branches of science and literature, in one folio vol., show him to have been a man of varied talents and acquirements.

secrets of the night; but still, with mild words, he cooled his associates' ardor, stimulated too much by uncontrolled courage. Finally it was arranged that there should be no further delay, and they in the meantime provided themselves not only with corporal arms, but also with spiritual ones, for the following Saturday, when their words were to become works, in conformity with what was ordained, which was unanimously approved."\*

"On Friday," continues Maia, "all the preparations suggested by Michael de Almeida were made. All confessed." From other historians we learn, that the archbishop had previously given orders to certain clergymen, on whom he could depend, to be in their places in their several churches during the night of Friday, without lights, and with the doors left ajar, in order to perform such clerical functions as might be required of them. Each of the conspirators proceeded that night to the nearest chapel, and there, according to Almeida's recommendation, prepared for the morning's dangers.

The anonymous author of the "Revolutions of Portugal" (vol. ii., page 640) states, that the heads of the conspiracy assembled on the morning of the 1st of December, in a church, where they joined in prayer, and in the participation of the solemn rites of religion, at seven o'clock in the morning, and in the course of about an hour, were on their way to the palace.

This is one of the most extraordinary circumstances recorded in history. This kind of preparation, so different from that we read of in the accounts of the night's preparations of other conspirators for the perils of the coming day, in riot and mad revelry, drowning reflection, under the name of care, in wine. One of the first at his perilous post, on Saturday morning, the 1st of December, 1640, was Pinto Ribiero. While he was waiting near the palace for the Fidalgos, he was accosted, says Maia, by a friend, who inquired the cause of his appearance in that quarter at so early an hour. Ribiero replied—"It is nothing; I have an appointment here, under the saloon of the 'Tudescos,' to change one king for another, and presently will return home."† In the meantime, Maia was collecting the people in the immediate neighbourhood of the palace, and so effectually had he arranged matters,

\* Relação, &c., de Maia, p. 35.

† Relação por Maia, p. 354.



that the instant the signal was heard in the square, communications were set a-going from street to street, from quarter to quarter, from one end of the capital to the other, and before half an hour had elapsed the square was thronged with people, headed by Maia.

Most of the conspirators were conveyed in covered vehicles to the vicinity of the palace, in order to conceal their weapons and keep their numbers unnoticed.\*

One may form some idea of the spirit of the persons who were engaged in this enterprize, from an account given in Passarello's great work, "*Bellum Lusitanium*," of a noble Portuguese lady, Philippa Villiena, Countess of Atonguia, on that eventful morning, helping to accoutre her two sons, and sending them forth to give their young hands and hearts to that cause in which their father was embarked. Her countenance\* (says Passarello) was radiant with joyful expectations and pride, that was conscious of being able to give so many defenders to such a glorious cause. She told them "to go with alacrity to the service of their country, however perilous it might be, and whatever might be their fate; and either to deserve to be partakers of the future liberty of their native land, or partners in the glory of those who died in its defence."

This speech ought to gain sympathy for the country which produced such women as Philippa Villiena; and her heroism was not a solitary instance of exalted courage, or of the noble spirit of patriotism which animated the women of Portugal in 1640. Philippa Villiena, like Cornelia, was rich in jewels; and history informs us that her children were those which were the chief treasures of her heart.

At eight, a. m., when the clock struck, and the signal of a pistol shot was given, the different companies rushed onwards to their respective places of attack, in the public square, where the palace and offices of state were situated. Almeida fell on the German guard, and being taken unawares, they were speedily routed, and many of them killed. Mello, his brother, the Lord Ranger, and Estevau d'Acugna attacked the Spanish soldiers on guard at

\* Robert Emmet was not unacquainted with this passage in the history of the Portuguese Revolution.

\* *Bellum Lusitanium*, Passarello, p. 27.

the small fort in the square with similar success. They were now joined by many of the citizens, headed by a priest (Maia), who led on the people, and fought with them with extraordinary resolution. The officer of the guard cried out, Long live the Duke of Braganza. Pinto forced his way into the palace, with those who were to enter Vasconcellos' apartments. Maia states that "the first person who entered the palace was old Dom Miguel d'Almeida, sword in hand, crying, Liberdade! Liberdade! viva el Re Dom Joao IV!"

The first clerk of the secretary's office, an underling of Vasconcellos', employed in carrying his master's most oppressive acts into execution, was struck down by a stroke of a sabre, at the door of the office, by Menezes. Vasconcellos' rooms were then burst into by Pinto, Roderigo de Sa, and many others. The unfortunate man had secreted himself in a press, in one of the apartments: he was found buried under a heap of papers. He was shot through the head by de Sa, the Lord Chamberlain, and thrown out of the window of the palace; whereupon the cry was raised that rung throughout the city in a few minutes—the tyrant is dead—long live Dom John, the King of Portugal.

The vice-queen had shut herself up in her chamber. The multitude, after threatening to set fire to the apartment if it was not opened, gained an entrance. She was found attended by the Archbishop of Braga, whose life would have been sacrificed but for the interference of d'Almeida. The vice-queen behaved with courage at first, at length with absurd arrogance, considering her position, and the perils which surrounded her. Don Carlos Norogna desired her to return to her apartments, when she was hastily attempting to quit the palace: he represented the danger she would encounter at the hands of an infuriated people. "The people!" said her highness, with ill-timed hauteur, "what can the people do to me?" "Nothing, Madame," said Norogna, angrily, "but throw your highness out of the window." The Archbishop of Braga hearing this reply, snatched a sword from one of the soldiers and flew at Norogna. D'Almeida laid hold of him, and implored of him not to expose his life to unnecessary danger, for he (Almeida) had plenty of difficulty already with his associates to get them to promise that his life should be spared. Pinto, in the meantime, had proceeded with his followers to the

citadel, which was in the possession of the Spaniards, who could easily have destroyed the town, which was likewise exposed to the fire of the Spanish fleet in the Tagus. He had obtained, with difficulty, and not without menaces, from the vice-queen, a warrant under her hand addressed to the governor, directing him to surrender the citadel. The fleet, consisting of three Spanish galleons, made no resistance to the force sent against it. Several of the officers had been captured on shore. The revolution in the city was completely successful: the vice-queen and principal Spanish officers taken in the palace were held as hostages—the forts and garrisons throughout the country surrendered, with the exception of St. Julian, at the mouth of the Tagus, at the first summons. St. Julian underwent a siege, and eventually capitulated. A *coup de main*, effected by a few individuals,—an enterprize commenced by a number of persons,—some historians say, not exceeding forty, but probably amounting to a hundred, and joined by a multitude, without any previous notification of their designs of a positive nature, and in the course of an hour, broke down the Spanish power in Portugal, and dissolved the union of the two countries, which had subsisted for sixty years. When the work of the revolution was done, Dom John, on the 6th of December, entered Lisbon in triumph, and was crowned on the 15th of the same month with great magnificence. Pinto Ribiero, the author of this revolution, it is gratifying to find, appears to have put forward no claims to honours or preferment; he continued, the historians of these times state, to enjoy the confidence of the sovereign; but the king, it is added, was fearful of exciting the jealousy of the magnates of the country by conferring on him any title of nobility or place of public trust, with the exception of the office of “juiz desembargadoz.” Perhaps it was as well that the king’s timidity should have prevented him from doing either. The man who delivered his country from a foreign yoke recompensed and ennobled himself.\*

“Posterity,” says the author of “The Revolutions of Spain,” “will be astonished to learn, that the conspirators, on the 5th of

\* Many of the preceding details are taken from Vertot’s History of the Revolution, with such correction of errors and additional matter, as accounts of a date subsequent to his, and authorities which were not within his reach, enabled the author to make.



November, when they laid their plan before the Duke of Braganza, to make themselves masters of a city like Lisbon, and to subvert the government of a whole kingdom, had on their list no more than three hundred and fifty men upon whom they could depend, one hundred and fifty nobles and gentlemen, and two hundred citizens.”

The numbers given in the preceding passage probably far exceed the truth. The only author who has given an accurate account of the persons engaged in this extraordinary revolution is the Padre Maia, an actor in it, whose exploits other historians are lavish in their praise of. The names of the Fidalgos engaged in the deliverance of their country from their Spanish tyrants, recorded by Maia, amount to seventy,—those of the nobles to thirty-five: Michael de Almeida, Antao de Almada, subsequently ambassador at the court of England, and his son George de Mello, Peter Mendonca, Anthony Mascarenhas, John Pinto Ribiero, are foremost on the list; eight de Cunhas, six de Mellos, seven Saldanhas, three Noronhæs, one Tavora, one de Atonguia, two sons of Gomez Freire Andrade, four Maldonnados, three Meldoncas, five Menezes, &c., &c.

Where are the descendants of these heroic men to-day?—who are the inhabitants of their dilapidated dwellings,—of the palaces of the Fidalgos? Some of their descendants are begging their bread: the blood of some of the noblest of them, the Tavoras and Atonguias, flowed freely on the scaffold; and that of one of the bravest of them, the idol of his country, the brave, but ill-fated General Gomez Freire, was hanged like a felon, in 1817, while the Marquis of Beresford held the supreme military command in Portugal. To what end did the Fidalgos of 1640 save their country? Two hundred years have passed over, and the country, from which the invaders were expelled, has fallen into the hands of stock-jobbers and scheming politicians, Germans in principle,—Germans in policy,—Germans in hatred to the liberties of the people of Portugal. The restored kingdom is ruled by a descendant of John IV., of that Braganza race, which, through all chances and changes, preserves its distinctive characteristics, and transmits from generation to generation the same incapacity for acts of greatness, gratitude, or generosity. No matter; it was not for the Braganzas, but for Portugal that the Almeidas

and Almadás perilled their lives. They fulfilled their mission. Spain, to this day, feels to her heart's core the wound they inflicted on her power. They have left glorious names, every where honoured, except in Portugal.

On one subject, referred to in the preceding pages, at the risk of encroaching on limits barely sufficient for the main object of this treatise, some observations are offered which may not be misplaced. The principal meetings of the conspirators were held in the garden of the Count de Almada, at the rere of his house, in the square of St. Domingos. The house is yet standing, at the corner of a lane, called Escadinhas da Barocco. The architecture of the fine old marble portico, that has ceased to be the entrance, is superior to most of the monstrosities in building of Pombal's time. At one of these garden conferences, a very remarkable oration of Almada is given in Passarello's *Bellum Lusitanium* (page 35). The Condé de Erceira, likewise, in his history of "Portugal Restaurado," refers to these garden meetings, vol. i. page 92; and also the Padre Maia, in his "Relação," at page 350; and Birago, in his "Historia della Desunione," at page 166. A spot better fitted for such conferences it would be difficult to conceive. How comes it that conspirators, instead of burying themselves in gloomy recesses and dark rooms, seem to delight to make confidants of nature, to enter into secret treaties with its beauties and its freshness, and to implicate the heavens in their daring projects? William Tell planned the downfall of the Austrian tyranny in Switzerland in a garden. Wolfe Tone and Thomas Addis Emmet agreed on the terms of resistance to English rule in a garden at Rathfarnham. Macraeken, Russell, and Neilson registered their vow of deathless fidelity to the same cause on the green sward of the Cove Hill, commanding a view of the lough beneath, and some of the most glorious scenery of Down and Antrim. Almada and his confederates planned the revolution which put an end to the Spanish power in Portugal, in a garden in Lisbon. What is the secret of this *penchant* for garden conferences—of conspirators or patriots (*utrumque horum mavis accipe*)? One would think such places would not "suit the gloomy habit of their souls," or the tastes of men who were busy with "treason, stratagems, and broils." It might be supposed that conspirators so engaged could have no

feelings in common with persons who take pleasure in—plots—of ground, with sweet shrubs and flowers. We show little knowledge of human nature, however, when we generalize, *ad libitum*, in our classification of men engaged in such enterprizes as those of the Almadás and Almeidas, when we ascribe to them all the malevolent dispositions that are ordinarily accounted the characteristics of those who are embarked on the troubled waters of revolution. Marat plotted wholesale murders in vaults and cellars. Thistlewood planned the assassination of a ministry in garrets and hay-lofts. But the men whose hearts were set on great national objects, like those I have referred to, whose breasts were inflamed with lofty sentiments,—with exalted enthusiasm, whether of a legitimate or a mistaken kind, could commune with flowers and with stars, as well as with foaming waves and rugged mountains. They had sympathies to be touched by what was beautiful and sublime in nature. It was for the Marats and their compeers, who had none, either with nature or humanity, to skulk in vaults and cellars from the face of heaven and the sight of men.

The scene of those conferences between Almada and his associates, at the abode of the former, and the interesting objects which serve as monuments of their constancy and courage, are known to very few, even of the old inhabitants of Lisbon. On the rising ground, at the rear of the house, in a small court-yard, approached from the upper story, there are two very remarkable columns, which, from the street, appear projecting from the roof of the house, and would hardly be distinguished from chimneys if one's attention was not directed to them. These records in stone of the expulsion of the Spaniards, are said to date from the second or third year of the liberation of Portugal. These columns are in height about forty feet; they are constructed of masonry of a tapering, octagonal form, for about two-thirds of their elevation. The diameter at the base is from twelve to fifteen feet, and the lower part of each forms a small chamber; they terminate like the upper part of minarets, in a cylindrical form, with a castellated freize-work round each a few feet from the top. These grotesque monumental structures, more like the nondescript order of obelisks of a French cemetery than triumphal pillars, are, nevertheless, the most interesting objects in Lisbon. There is no inscription of any kind upon them. In the small



court where they stand there is a door-way, now closed up, which formerly communicated with the adjoining lane. It was by this door that the conspirators used to enter, and proceed to the garden by a private passage which led to the latter, but of which no trace is now discoverable. The garden, for one in a city, is of considerable extent, surrounded by very high walls, higher than the adjoining houses, which gives a sombre appearance to the place. At the extremity of the garden, facing the entrance, the vista terminates in an alcove, faced with blue pictorial tiles of that description used in Portuguese churches for the representation of Scriptural events. This alcove is ornamented with a large marble fountain in the centre. Immediately above it there is an admirably executed representation, in glazed tile, of the revolution at the moment of the attack on the palace. Dom Miguel Almeida figures in a balcony, displaying a flag, with the motto—"Liberdade, Liberdade, viva el Re D. Joao IV.!" The figures in the fore-ground,—of the conspirators and the Spanish soldiers in conflict,—are represented with great spirit. A strange looking lumbering carriage, like a lord mayor's coach of the olden times, drawn by four horses, apparently frightened by the clamour of the multitude, is seen in front of the palace. Beneath this representation there is an inscription, in these words:—

Redempção de Portugal  
Fidelidade e amor  
Triumpho.

On the wall on the right hand side, six persons are represented sitting in a garden round a table, deeply engaged in conversation, with an appropriate motto above the picture:—

Amor, Constancia, e Fidelidade.

with another inscription below:—

Venturos Sitio,  
Honorosas conferencias  
Em que se formon,  
A redempção de Portugal.

On the left hand side, there is a representation of a procession which followed the successful issue of the conspiracy, of which all the historians speak in reference to an alleged miraculous occurrence on that occasion. The Archbishop of Lisbon is represented

heading the procession, bearing a cross, attended by the mayor mounted on horseback, carrying the city standard, and followed by a great multitude of people.

The alleged miraculous occurrence is represented in the extended right-hand of the figure of our Saviour on the cross. The inscription underneath is in these words:—

Benedictus Dominus Deus,  
Israel, qui visitavit  
Et fecit redemptionem,  
Plebis suæ.

The garden is now neglected, the walls are damp, and covered with green mould, the walks are only distinguishable from what were the flower-beds, by fewer weeds. The place, in short, has the desolate, dreary aspect of a modern ruin;—the sadness and solitude of an old mansion falling into decay, which has passed from an ancient family; a solemn gloom, and dismal grandeur which hangs about the ruin of property long mortgaged, or newly sold, of a man who belonged to a wrecked nobility. The descendants of the noble Antonio d'Almada continued to possess this mansion, till they became involved in the disasters of the latest war of succession, which ended in the downfall of Dom Miguel. This last war of the princes of the house of Braganza proved fatal to the Count d'Almada, who followed with desperate fidelity the fortunes of an unworthy master. He died at Santarem during the usurpation; his son succeeded to his title, which, in other countries, would be associated with glorious recollections. The young man who bears it, impoverished in his circumstances, retaining a small remnant of the patrimony of that ancestor of his who mainly contributed to restore the Braganza dynasty to the throne, shorn of the lustre of his name, and the influence of his rank, wears out an obscure existence in one of the distant provinces.

One would think this spot, sacred to freedom, was a shrine to be visited by many pilgrims, to honor the memory of the heroic men of 1640, to recal their achievements, and renew vows of fidelity to the glorious cause of national independence. But the place is deserted,—the silence of death is there,—and none but strangers, who commune with the spirits of the Almadas and Almeidas, recal the past; or, pondering on future contingencies,

pray that a thought never may be harboured of subjecting again the country of such men to a foreign yoke,—or of causing the footsteps of a Spanish soldier to be set or seen on its soil.

Too much space may have been devoted to matters incidental to this part of my subject, but, as no notice of them is to be found elsewhere, some allowance may be made for their irrelevancy.

Thus terminated violently, as it commenced violently, the Spanish domination in Portugal. It lasted sixty years, but time gives no prescription to the title of injustice, and the government of all the perfidious Philips was one continued career of rapacity, insolence, and despotism.

History, it is said, is experience teaching by example. The end of all legitimate teaching is to remove, or prevent evil,—the examples it presents of the results of evil, are not produced for imitation but avoidance. The previous account of Spanish violence and misrule in Portugal, has been introduced with the view of warning our rulers against the results of bad government. There are many points of analogy in the policy of the rulers of both countries towards the nations they provincialized, in the conduct of the Olivarez and Vasconcellos tribe, the Alvas and Mantuas, towards Portugal, and that of their English and Irish prototypes towards our country. In some points no comparison holds; one country was acquired by conquest, founded on a fraudulent claim,—the other by compact. But in both cases, there was broken faith, solemn engagements violated, and early injustice made the cause of subsequent despotism, and systematic violence and misrule. So far as regards mis-government, the analogy is complete. But the termination of it by violence in Portugal, was a necessity which exists not in Ireland, and, therefore, even on such low grounds as those of expediency, the adoption of violent means for the recovery of the rights we were robbed of in 1800, would be of more than questionable utility or patriotism. Triumphs based on the success of revolutions seldom wear well, though they have been earned dearly. In a country where there is a platform for the efforts of moral force to resist injustice, no other theatre need be sought for its exertions, and no better weapons used than those of reason, imperturbable, immutable in its purpose, and untiring in its peaceful warfare.



## CHAPTER XIII.

POYNING'S restrictive act, in the reign of Henry VII., left Ireland the shadow of a parliament.

Several acts, in the times of Cromwell, Charles II., and William III., went farther than the former; but it was not till the 6th of George I. the usurped power of the English parliament was embodied in a statute which claimed the right of binding Ireland by its laws without the sanction of the Irish parliament. England was then strong—Ireland was weak, and submission was a necessity, but five-and-twenty years had not passed over before England was weak and Ireland was strong, and resistance to the tyranny of its parliament became a virtue. America was revolutionized, and on the point of separation from the mother country. France had declared war against England—the volunteers had sprung into existence—the young giant of Irish nationality made the first trial of its strength in favor of its commerce and its manufactures, and the general adoption of non-importation and non-consumption agreements effected the freedom of Irish trade.

On the 1st of March, 1782, at a meeting of a corps of Dublin Volunteers, his Grace the Duke of Leinster in the chair, it was resolved:—"That the king, lords, and commons of Ireland own they are competent to make laws binding the subjects of this realm, and that we will not obey or give operation to any, save only those enacted by the king, lords, and commons of Ireland, whose rights and privileges jointly and severally we are determined to support with our lives and fortunes."\*

On the 15th of February preceding, the Dungannon Volunteer Convention had issued its celebrated declaration of rights and

\* Barrington's Rise and Fall of the Irish Nation. Paris Ed., p. 101.

grievances, and the result in England was a change of ministry; the Marquis of Rockingham and Mr. Fox were called to his majesty's councils.

On the 14th of April, 1782, the Duke of Portland arrived in Ireland, a successor in its government to the Earl of Carlisle, and on the 16th of the same month the secretary of state, the Right Hon. Hely Hutchinson, said he had been ordered by the viceroy to deliver a message from the king (on the subject of a settlement), "recommending to the house to take the same into their most serious consideration, in order to effect such a final adjustment as might give satisfaction to both kingdoms."\*

An amended address was unanimously carried, setting forth "That the kingdom of Ireland was a distinct kingdom, with a parliament of her own, the sole legislature thereof; that there was no body of men competent to make laws to bind the nation, but the king, lords, and commons of Ireland, nor any parliament which had any authority of any sort whatever in this country, save only the parliament of Ireland: to assure his majesty that they (the commons) humbly conceived that in this right the very essence of their liberty existed, a right which they on the part of all the people of Ireland do claim as their birth-right, and which they could not yield but with their lives."†

The nation had willed its freedom, and it is seldom that one which is true to itself, is or can be kept in slavery. Ireland had then 90,000 men under arms ready to assert their rights. On the 27th of May the house met after an adjournment, and the viceroy delivered a speech from the throne in which he said it was "With the utmost satisfaction he found himself enabled by the magnanimity of the king, and the wisdom of Great Britain, to assure the house that immediate attention had been paid to their representations, and that the British legislature had concurred in a resolution to remove the causes of their discontents and jealousies, and were united in a desire to gratify every wish expressed in their late addresses to the throne." \* \* "His majesty had further given it in command to him to assure the house of his gracious disposition to give his royal assent to a

\* Irish Parliamentary Debates. 1782. p. 332.

† Parliamentary Debates, 1782.

measure to prevent the suppression of bills in the privy council of this kingdom, and the alteration of them anywhere.”\*

Mr. George Ponsonby, one of the confidential friends and supporters of the Duke of Portland, found it useless to oppose the address: he said “He would answer that the noble lord who presided in the government of Ireland wished to do every thing in his power for the satisfaction of the nation; and he would use his utmost influence in obtaining the rights of Ireland, *an object on which he had fixed his heart.*”†

After the speech was read, “Mr. Grattan bore testimony to the candid and unqualified manner in which the address had been answered by the Lord Lieutenant’s speech.” He said, “*I understand that Great Britain gives up in toto every claim to authority over Ireland. I have not the least idea that in repealing the 6th George I., Great Britain should be found to make any declaration that she had formerly usurped a power; no—this would be a foolish caution—a dishonourable condition. The nation that insists upon the humiliation of another is a foolish nation. Ireland is not a foolish nation. Another part of great magnanimity in the conduct of Britain is, that every thing is given up unconditionally. This must for ever remove suspicion.*” Mr. Grattan moved an address to the crown, expressive of the fullest confidence in the efficacy of the proposed repeal of the 6th George I., as a complete settlement of the great constitutional question at issue.

Mr. Flood said “Nothing appeared to him at present that could disturb the general harmony, but there were many English acts still existing which operated in this kingdom, and notwithstanding the laudable acquiescence which appeared in the renunciation of English claims, who could engage that the present administration might not, at some future period, change its mind?”

Mr. Walsh said “With respect to the repeal of 6th George I., I rely on it as a lawyer—that it is inadequate to the emancipation of Ireland. The 6th of George I. is merely a declaratory law. That law declares that England has a power to make laws to bind Ireland. What then does the repeal of the 6th George I.

\* Irish Debates, 1782, p. 354.

† Irish Debates, 1782, p. 342.



do, with respect to Ireland? Simply this, and not a jot more; it expunges the declaration of the power from the statute book, but it does not deny the power hereafter to make laws to bind Ireland, whenever England should think herself in sufficient force for the purpose. \* \* \* \* \*

“With respect to the fine-spun distinction of the English minister (Mr. Fox) between internal and external legislation, it seems to me to be the most absurd position, and at the same time the most ridiculous one that possibly could be laid down, when applied to an independent people. \* \* \* \* \*

“Ireland is independent or she is not; if she is independent, no power on earth can make laws to bind her, internally or externally, save the king, lords and commons of Ireland.”

\* \* “His objections were decisive against that part of the address which had been moved by his honourable friend (Mr. Grattan), namely, *that there will no longer exist any constitutional question between the two nations that can disturb their mutual tranquillity.*”

Mr. Fitzgibbon (the Lord Clare of deathless notoriety) said, “Since I came into parliament I never gave a vote which I am not ready to defend upon my legs. *No man ever heard me assert the supremacy of the British parliament.* \* \* No man has

said the Duke of Portland has power to grant us the redress for which the nation is now committed; but, as the nation is committed, no man will, I hope, recede, but go through, heart in hand; for as I was cautious in committing the nation, so will I be firm in asserting her rights.”

Mr. Martin and the recorder, Sir Samuel Bradstreet, were the only other ministers that objected to that part of the address; the house being divided, however, upon the words objected to, the address was carried by two hundred and eleven votes against two.\* The recorder and Mr. David Walsh composed that minority, which, perhaps, is the most glorious one in the annals of the Irish parliament.

At this important juncture no efforts were spared to neutralize or mitigate the ardour of the patriotism of Grattan and Lord Charlemont. These efforts were but too successful. On the 30th

\* Irish Debates, 1782, page 371.

of May a motion was made in the house of commons to confer a grant of £100,000 on Mr. Grattan. Mr. Conolly, a privy councillor and confidential friend of the viceroy, said, that “*the Duke of Portland felt equally with the Irish people the high value of those services, and that he was authorized by the lord lieutenant to express, in the strongest terms, the sense he entertained of the public virtue of Mr. Grattan, and of his eminent and important services to Ireland; and, as the highest proof he could give of his admiration and respect for that distinguished individual, he (the lord lieutenant) begged to offer, as a part of the intended grant, the vice-regal palace in the Phoenix Park, to be settled on Mr. Grattan and his heirs for ever, as a suitable residence for so meritorious an individual!!!*”\*

The astounding offer of a vice-regal palace to a man who had signally thwarted the policy of English rule in Ireland, and pledged the house of commons on the 16th of April to resist that policy, at the peril of their lives; the wonderful change that had taken place in the opinions of our rulers within six weeks, when the prime-serjeant announced—in these words, “If matters proceed to the extremities to which I fear they are verging”—his apprehensions that his majesty’s ministers were meditating violent measures against Ireland, can never be sufficiently admired.

The offer of the vice-regal palace to a man who, under less embarrassing circumstances, would have been prosecuted for treason, or be driven from parliament, like Molyneux, and have his speech burned by the common hangman, like the book of the latter,—or be driven, not only from parliament, but from his country also,—a proscribed traitor, like Lucas,—and left, like the latter, to die in indigence, and be followed to the grave by a beggared family,—the insidious offer was received in silence. The secretary for Ireland could not conceal his chagrin: “He did not wish to be considered as giving a sullen acquiescence; but he conceived that marks of favour of this nature always appertained to the crown alone, and he should have wished that this grant had come from the royal hand.”†

Finally, Mr. Grattan’s friends objecting to the largeness of the proposed grant of the commons, consented to his acceptance of

\* Irish Debates.

† Irish Debates.

the sum of £50,000, which was well due to him; and had that sum been thrice tripled, it would have been still more worthily bestowed on the opponents of his amendments, had they been successful, on the 27th of May, 1782, in securing, not the repeal of a single statute, but the renunciation of an usurped right, which, in various forms, had been exercised for centuries, and might be resumed at any future period.

The conduct of the British ministry furnished a very curious commentary on Mr. Grattan's declaration, that "no constitutional question will any longer exist between the two countries." The final settlement was scarcely completed, when Mr. Fox declared in parliament that "the repeal of that statute (6th George I.) could not stand alone, but must be accompanied by a final adjustment, and by a solid basis of permanent connexion."

"He said that some plans of that nature would be laid before the Irish parliament, by the Irish ministers, and a treaty entered upon, which treaty, when proceeded on, might be adopted by both parliaments, and finally become an irrevocable arrangement between the two countries."

The Irish leaders, in plain language, were deceived by the British ministry and the viceroy, the Duke of Portland, and the declarations made in both parliaments, on the part of the government, that the repeal of the 6th of George I. was a "final settlement."

In the meantime, a month had hardly elapsed before Lord Abingdon, in the house of peers, moved for leave to bring in a declaratory bill to re-assert the right of England to legislate externally for Ireland, in matters appertaining to the commerce of the latter. A similar motion was made in the British house of commons by Sir George Young.

One clause of Lord Abingdon's bill stated, that Queen Elizabeth "having formerly forbid the king of France to build more ships than he then had, without her leave first obtained, it is enacted, that no kingdom, as above stated, Ireland as well as others, should presume to build a navy, or any ships of war, without leave from the lord high admiral of England."\*

The motion was not seconded, and Lord Abingdon pocketed his

\* Hardy's life of Charlemont, vol. ii., p. 26.



bill, on the chancellor declaring that it would be opposed by government.

These motions were duly responded to in Ireland. The volunteers, then 120,000 strong, beat to arms throughout the kingdom.\*

The echo of the clatter came booming over the channel, and the tranquillity of Downing-street was once more disturbed.

Another act was precipitately introduced into parliament and passed into law, not renouncing, as Barrington states, England's right to legislate for Ireland, but distinctly confirming Ireland's right to legislate for itself, removing all doubts as to the competency of the judicial tribunals in Ireland, to try and dispose of all actions and suits of law and equity instituted in that kingdom, and decide them without appeal from thence; and providing, likewise, that no writs of error should be received in any except in the Irish tribunals, and this adjustment is declared in the act, "established and ascertained for ever, and shall, at no time hereafter, be questioned or questionable."

\* Barrington's Rise and Fall.

## CHAPTER XIV.

IN September, 1783, another convention was held at Dungannon, the specific object of which was parliamentary reform, at which it was determined to hold a grand national convention of volunteer delegates in Dublin, in the month of November following.

The history of that extraordinary assembly does not come within the scope of this treatise to enter into, further than to state, that numerous plans of reform were submitted; the Bishop of Derry's proposal, to extend the elective franchise to the Catholics, was opposed by the great leaders, and especially by Lord Charlemont and Mr. Flood, and the plan of the latter was ultimately adopted.

On the 29th of November, a number of the delegates, who were members of parliament, proceeded direct from the convention to the house of commons, some apparelled in their volunteer uniforms, in order to support the motion of Mr. Flood for leave to bring in a bill, founded on his plan of parliamentary reform, excluding the Catholics from its proposed benefits. The house was a scene of tumult and confusion—some violent speeches were made on both sides: the motion was lost, seventy-seven voting for reform, and one hundred and fifty against it. After passing some resolutions, the convention, whose meetings had then extended over a period of three weeks, finally adjourned. The scene that had taken place in the house of commons had determined Lord Charlemont to put an end to the proceedings of the convention.

There can be no doubt but the appearance of a body of men in the house of commons, in a double capacity, as members of that house, and delegates of another deliberative assembly, in military costume, was an anomalous proceeding, but the existence of the whole volunteer body was an anomaly.

The question however, the advantage or disadvantage to Irish

interests of the final adjournment of the convention, remains a problem, which it is difficult to solve. The probability is, that the fatuitous bigotry which led to the rejection of the claims of the great body of the people to the rights of freemen, had rendered the volunteer association incapable of rendering any further service to the nation. Their proceedings with respect to the catholic question alienated the catholics from them; their mode of pressing the question of reform in the house of commons, deprived several of their most eminent leaders of their parliamentary influence and *prestige*.

“The reader,” says Hardy “who remembers the day of this military convention, will be naturally anxious to inquire what sensation its adjournment, or rather downfall, excited? To the best of my recollection, little or none whatever.”\*

*Sic transit gloria mundi.* The volunteers dragged on a doomed life, in a state of equivocal loyalty in the sight of government, and of Frankenstein volition and vitality, in the apprehension of the father of their institution. One would have thought there was national vigour in it for more than an existence of fifteen years, and power to effect more than an ephemeral independence which lasted only eighteen years.

February 7th, 1785. The celebrated commercial propositions, after discussion in both houses of parliament in England, were laid before the Irish commons by Mr. Secretary Orde, as the basis of a distinct commercial treaty between two independent states.

Mr. Orde read the following paragraph from the viceroy’s speech, at the opening of the session: “He had to recommend in the king’s name, to their earnest investigation, those objects of trade and commerce, which had not yet received their complete adjustment. In framing a plan to the view of a final settlement, they would be sensible that the interests of Great Britain and Ireland ought to be for ever united and inseparable.” The propositions, eleven in number, were, on the whole, not disadvantageous to Ireland. The eleventh provided “that for the protection of trade, whatever sum the gross hereditary revenue of the kingdom, after deducting all drawbacks, bounties, &c., should

\* Hardy’s life of Charlemont, vol. ii, p 129.



produce, annually, the sum of £656,000 should be appropriated towards the support of the empire, in such manner as the parliament of this kingdom shall direct."

The general tendency of the other propositions, with the exception of the seventh, was an equalization of duties in both kingdoms. The seventh was supposed to admit of some doubt as to its effects with respect to some articles of Irish manufacture.

It is not in the political writings of the times, but in the parliamentary debates of that day, that the real character of those propositions will be ascertained. If ever there was a measure of Mr. Pitt's, that had reference to Irish interests, apparently not characterized in all its bearings by downright insidiousness and bad faith, it was, probably, the measure in question.

On the 11th of February the propositions were agreed to; and an address to his majesty carried, expressive of the gratitude of the house for the measure adopted towards an arrangement of commercial intercourse between both kingdoms.

On the 12th of August Mr. Orde moved for leave to bring in a bill founded on *twenty propositions*, the basis of a *final adjustment* of the commercial relations between both countries. With respect to the original eleven propositions, he said ten of them were drawn up by himself, the eleventh had been suggested by Mr. Grattan, but *the English minister was not responsible for them, nor were they binding on him*. They were only devised with a view to form the ground-work of an arrangement, which would be effected by the proposed bill.

Public infamy was often displayed in the Irish parliament, but never in a more unblushing manner than on this occasion, His motion was carried by a majority of nineteen, and on the 15th, the bill, embodying provisions of a very different character to those of the original propositions, was introduced and suffered to be read for the first time, on the distinct understanding that government did not intend to proceed with it during that session, being fully convinced that if proceeded with, it would have been rejected by a large majority. The house was prorogued, and the first attempt against the restored independence of the Irish parliament was defeated. Mr. Pitt never forgot nor forgave Ireland the failure of this measure.

The Irish parliament had reposed on its laurels for upwards

of four years after its triumph over the English minister, when another question arose, of more importance than any previous one since the restoration of its independence, and one in which it involved itself in grave difficulties, with very questionable prudence.

On the 5th of February, 1789, the Marquis of Buckingham informed both houses of the severe indisposition of his majesty, and on the 11th, Mr. Conolly moved an address to the Prince Regent, "humbly to request his royal highness to take upon himself the government of this realm, during his Majesty's indisposition, and no longer; and, under the style and title of Prince Regent of Ireland, in the name of his Majesty to exercise and administer, according to the laws and constitution of this kingdom, all regal powers, jurisdiction, and prerogatives to the crown and government thereunto belonging."\*

The motion, seconded by Mr. Ponsonby, was carried without a division, and a similar one in the house of lords by a large majority.

On the 19th, a deputation from both houses waited on the viceroy with the address to the prince, which his excellency refused to transmit. The consequence of his refusal was a vote of censure on the lord lieutenant in both houses. Four members of the commons, and two of the lords were appointed to wait on his royal highness with the address. In the meantime, the king was restored to health, and the regency suspended.

The two lords, the Earl of Charlemont and the Duke of Leinster, and the four members of the commons, Messrs. O'Neil, Conolly, Ponsonby, and Stewart, were received, however, by his royal highness, "with the utmost fervor of affection and gratitude," but the language in both houses of parliament in respect to the deputation, was any thing but flattering or conciliatory.†

It is beside the object of this treatise to enter into the merits of this question, but it is essential to it to state the free grounds on which it was mooted in Ireland.

The prince was the rising sun of the Whig party in England. His confidential friends and servants were Mr. Pitt's opponents. It was believed, on his assumption of the regency, he would have

\* Irish Debates, 1789, p. 40.

† Hardy, vol. ii., p. 188.

called them to his councils, and it was the object of this party to free him from all trammels which would have interfered with the prerogative of freely choosing his own ministers.

Their efforts were not successful in the English parliament, as those of the Irish whigs were in theirs. Nevertheless, the prince had still the power, had he chosen to exercise it, in opposition to the queen's wishes, to displace Mr. Pitt and his colleagues; and his letter to Mr. Pitt plainly shows, that no such intention was entertained by him.

Ireland's devotion to his interests and those of his political friends exposed her to all the vindictive feelings of the triumphant minister.

It cannot be doubted that this question with us was not an Irish question; it was a party question; it was taken up for party purposes, and Ireland paid the penalty of a false step on the part of the Irish opposition.

The support of the regency question, in England, was a very different thing to what it was in Ireland. In the latter country the issue was one which gave the opponents of Irish independence a plea for attributing to it conduct on that question which jeopardized the connexion with England, and involved the parliament in a quarrel with that of England, little short of a disputed succession to the throne. It is nothing to the purpose to say, that an unrestricted regency was the right one to have adopted; that the prince was believed to be a friend to Ireland; that his party were favourable to its interests.

The independence of Ireland was held by too frail a tenure, to risk it for any advantages that could accrue from a change of ministry, or an extension of the powers of a temporary ruler of the state. One thing is very clear, the mooted question was one of the great arguments that was relied on in 1799, in both parliaments for the extinction of the Irish legislature. But it ought not to be forgotten, that the course adopted in the Irish parliament was one of simple whig policy, acted on with the entire concurrence of the whig leaders in England, and probably in obedience to their suggestions.



## CHAPTER XV.

THE partial relaxations of the penal code in 1782 and 1793, wrung by fears from a reluctant power, and neither liberally nor gracefully conceded, had the effect of stimulating the people, only partially enfranchised, to renew their efforts for complete liberation. The concessions made to the catholics in 1793, extended the elective franchise to a large class of the catholic peasantry.

Even in granting those concessions, Mr. Pitt's hostile policy towards the Irish parliament was successfully pursued. The prejudices of the ultra protestant party in the parliament were brought into immediate collision with the people's rights, and those of the ascendancy party in place, who were compelled to vote for the government measure, were either degraded in the eyes of the country by the sudden retraction of their opinions, or their inconsistency in vituperating the catholics and yet voting for the relief bill.

Another important object was gained, that of bringing odium on some of the popular leaders, honest in their mistaken opposition to this measure; men like Lord Charlemont, who it was known would vote against it, whilst it was sure to be supported by Lord Clare, the bitter enemy of the Roman Catholics, notwithstanding his vehement abuse of them on that very occasion. Thus the versatility of parliament, and the inconsistency of its members were made instrumental to its disgrace.

In the meantime, the effects of the French revolution were felt in England, Ireland, and Scotland. Reform became the watch-word of the popular leaders of the three kingdoms. "I doubt very much," says Lord Charlemont, in one of his letters, "if M. Dumourier ever heard of a parliamentary reform, and

yet I am almost tempted to suspect him of having some share in what is going forward.”

In the interval between 1791 and 1794, reform merged into republicanism very much in the united Irish societies, and there is no question but that hatred to Mr. Pitt's ministry had as much to do with the change as animosity to England.

From 1785 to 1800, the whole tenor of Mr. Pitt's policy was to unsettle the mind of the Irish nation; to create dissension; to bewilder and confuse men's thoughts; to deprive parliament of its influence, by bringing it into hatred and contempt—in a word, to break down the proud spirit of an independent nation, and render the people weak enough to rob them of their dearest rights.

This was a fiendish policy, and it was coolly, deliberately and perseveringly pursued, with all the remorselessness, malignity, mockery of faith in virtue and integrity, and with no less of the craft and pitiless persistence in treachery and cruelty that is commonly attributable to the ministry of a power that is not of heaven nor of earth.

The hopes of the catholics were alternately elevated and depressed—now wound up to the highest pitch of expectation, then cast down without apparent reason or possible advantage to the state.

An old element of mischief that had not been in activity for several years, was called into operation; fanaticism was revived, and its dupes deceived by delusive expectations held forth of a perpetuation of their power and ascendancy, which the minister in reality tolerated the existence of only for his special purpose of disuniting Irishmen, and thereby effecting a parchment union of their country with England.

Lord Westmoreland's unaccountable recal in 1794,—Lord Fitzwilliam's no less unaccountable appointment, considering the antagonism of his principles to those of Mr. Pitt on every subject except the prosecution of the war with France, and, within a period of two months, his precipitate recal in order to transfer his power to the Beresfords, and his office to the contemptible automaton of Mr. Pitt, the worthless Camden, are no longer mysteries even in the minds of people of ordinary information.

The catholics were then prepared for emancipation by a

viceroys specially selected for this service, and all their hopes naturally centred in his government. These are circumstances which never can be explained away while the letters of the excellent Lord Fitzwilliam to the Earl of Carlisle are in existence.

Sir Laurence Parsons said, on this occasion, "he never witnessed such ominous infatuation as that by which the minister was led. If he perseveres, the army must be increased to myriads, and every man must have five or six dragoons in his house."\*

Little did the future union-peer, Lord Rosse, imagine that it was the very object of the ministers to goad the country to rebellion; to garrison it with foreign troops; to terrify the people, and to gain over a corrupt and intimidated parliament.

\* Hardy's life of Charlemont, vol. ii., p. 347.



## CHAPTER XVI.

FROM 1793, the Irish government was in possession of oral and documentary information of the treasonable nature and extent of the plans of the northern United Irishmen and Defenders, as the reports of the secret committee of the house of lords in 1793, and of both houses in 1797 and 1798, proved beyond a possibility of contradiction. The Irish government could not have left the English minister in ignorance of this conspiracy, and yet no effectual means were taken to prevent rebellion, till the month of March, '98, when the principal leaders were arrested in Dublin. But while the members of the executive were left at large, the people were goaded into madness in the year 1797, by military excesses, one twentieth part of the horrors of which, in the northern counties, have never been revealed.

Three years previously the fury of fanaticism had been let loose on the Catholics of Louth and Armagh. They were hunted like wild beasts, driven from their homes, plundered, and shot down with more impunity than would have been extended to their slayers had they killed as many hares without a license. With a single exception in the county of Armagh, no magistrate would take a deposition against the depredators and persecutors. The government afforded the people no protection, and connived at the barbarities practised on them. Society, in short, in those counties was resolved into its original elements; might became right, and the relative duties of the rulers and the ruled ceased to have any binding power on either.

The conspiracy, which the government had allowed to go on from 1791 to 1798, proceeded, yearly increasing in magnitude, extending from county to county, till most of the people, and a great majority of their leaders who had distinguished themselves

in volunteer politics, and afterwards in the advocacy of reform and Catholic emancipation, were involved in sedition, or what was then as bad, lay under the suspicion of it. At length it was caused "to explode prematurely;" the people rose in three counties only; and although government had upwards of 114,000 men under arms in Ireland in 1798, several of the principal towns in these counties fell into the hands of the insurgents, and the executive, with all its power, and several years' previous preparation for the result of its policy, was barely able to put down the rebellion in these three counties. Had Hardy's expedition reached Killalla in the month of May, instead of December following, no premature explosion would have been requisite to have involved the whole of the south and west of Ireland in rebellion; and it may be fairly inferred, from the defeat and flight of the army at Castlebar, under Lord Lake, in the month of December, when insurrection every where else had been put down, that a very different result might have been apprehended, when the insurgents were in possession of so many of the important towns of Wexford, Down, and Antrim.

In the suppression of these partial outbreaks of insurrection, and the defeat of a small body of invaders, not exceeding 1100 men, 70,000 lives were lost,—50,000 on the part of the people, and 20,000 on that of the king's troops. Such is the estimate of the sacrifice of life, according to Plowden and Moore, and other writers, who treat of the events of 1798. The cost of exciting and prematurely exploding the rebellion of 1798, and of defeating a small body of invaders, amounting to about 1100 men, is estimated at eighteen and a half millions! Some writers, who treat of the events of that period, estimate the amount at twenty-one millions. Mr. Staunton, in his letters to the Right Honourable A. J. Littleton, in 1833 (letter ii., page 14), says—"The expense of the rebellion was eighteen and a half millions. For this, Ireland has been rendered exclusively responsible, though it ought to be regarded as an imperial outlay, as Ireland, while the rebellion lasted, was obliged to contribute to imperial expenditure. Another reason would occur to those who consider that the British government had been justly charged with having suffered the insurrection to explode, as necessary to the attainment of their object."

Another publication of his says, that “the enormous disbursements connected with the rebellion added eight and a half millions to the Irish debt.”\*

In the latter statement there is evidently a typographical error. The amount added to the debt by the rebellion and its concomitant measure must have been considerably greater, as the following account of the debt, from 1795 to 1801, plainly shows :—

1795 the Irish Debt was	£2,940,000
1797 .....	5,376,000
1798 .....	9,275,000
1800 .....	21,757,000
1801 .....	26,841,000

These details are taken from a publication on the “Financial Management of Ireland.” (Dublin, 1842, p. 8.)

The expenditure, in three of these years, on the authority of the statements of the Right Honourable T. S. Rice, in his speech on the 11th of February, 1834, was as follows :—

1795, Irish Expenditure,	£2,276,469
1797, .....	2,705,313
1798, .....	3,356,887
1800, .....	5,893,323

The income, he states, in 1800, was £2,684,261; but it is alleged that only three quarters of a year’s revenue were calculated in that estimate. The amount, however, differs not materially from the amount of revenue estimated by Lord Castlereagh, for the same year. The income, then, may be supposed to represent the ordinary expenditure of that period. But the ordinary expenditure of government, and war contributions combined, could not possibly have increased the debt in such a ratio, as the augmentation appears to have been, in a period of six years. From 1795 to 1797 the debt was nearly doubled—from 1797 to 1798 the increase was nearly four millions—from 1799 to 1800 the increase was eleven millions and a half; and from 1800 to 1801 the increase was five millions. The total augmentation, from 1795 to 1801, was twenty-four millions. This vast increase must have been principally occasioned by the extraordinary charges of the vast military force maintained in Ireland for nearly five years, at a cost little short of four millions

\* Facts and Fallacies, by M. Staunton, Dublin, 1833, p. 15.



a year;—of the purchase of the first parliament, amounting to one and a half million;—of the claims of the suffering loyalists one and a half million more;—of pensions and secret service-money, awards, and increased expenditure of judicial tribunals, from 1797 to 1801, the amount of which cannot be ascertained, but must have been enormous.

The outlay occasioned by the rebellion cannot, and ought not, in common fairness, be separated from the cost of the union. The rebellion was fomented for the purpose of effecting that measure; and the latter is clearly chargeable with all expenses incurred in carrying it. It was a dear bargain, and would have been a bad one at any price.

There was another item in the expenditure which is sometimes overlooked, but which, nevertheless, no figures of arithmetic, nor of speech, can adequately represent the transcendent importance of, namely, the vast expenditure of arbitrary power, and the proportionate one of Irish suffering, and the cost of lost sympathies with British rule and interests. That expenditure was a waste of inestimable treasure, which the measure that Mr. Pitt staked his fame on the success of, never can compensate, or atone for the loss of. On the contrary, at the expiration of forty-four years, that measure serves only as a monument of a gigantic iniquity, the memory of which excites the same feelings of abhorrence this day, which it engendered at the commencement of the present century, in Ireland.

The government, in short, fomented a rebellion, and, in the words of Lord Castlereagh, caused it “to explode prematurely,” in order to break down the strength and spirit of the country, to enable its agents in the Irish parliament to effect an union. The fact has been repeatedly denied, and lately by one of the London morning papers of liberal politics. The identical words, “to explode prematurely,” were repeated in the Irish house of commons, by Mr. John Claudius Beresford. The words, however, were first used by Lord Castlereagh.

In the report from the secret committee, presented to the Irish house of commons, in 1798, drawn up in Lord Castlereagh’s office by Mr. Knox, under his lordship’s immediate direction, the following passage occurs at page 26 :—

“ *That from the vigorous and summary expedients resorted to*

by government, and the consequent exertion of the military, the leaders found themselves reduced to the alternative of immediate insurrection, or of being deprived of the means on which they relied for effecting their purpose; and that to this cause is exclusively to be attributed that *premature and desperate effort, the rashness of which has so evidently facilitated its suppression.*" Elsewhere in the same report we find the following words:—  
 "And it appears from a variety of evidence laid before your committee, that the rebellion would not have broken out so soon as it did, had it not been *for the well-timed measures adopted by government, subsequent to the proclamation of the lord lieutenant in council, bearing date 17th March, 1798.*"\*

On a later occasion, Lord Castlereagh expressed himself in terms confirmatory of the licitness of the policy pursued in 1798, in reference to Robert Emmett's insurrection in 1803. On the 7th March, 1804, on the occasion of Sir John Wrottesley's motion for inquiry into the conduct of the Irish government, Lord Castlereagh said:—

"Though he agreed with the honorable baronet *that preventive measures were preferable to punishment, he thought that principle might be carried too far; and it was material not to urge the rebels to postpone their attempt by any appearance of too much precaution and preparation.* The honorable baronet might laugh, but it was expedient that the precautions should not have been carried to such an extent, as to alarm the fears of the rebels, and thereby *induce them to delay their project.* Besides, *it was desirable that the measures after applied for to parliament should be claimed on ostensible, not on arguable grounds.*"

Mr. Windham said,—“That ministers maintained the monstrous doctrine that rebellion was to be fostered by the government till it came to a head, that the cure might be radical. This might be good policy in a general, against an open enemy. He might watch him and let him march into toil, taking care to be too strong. But it was infamous in a government against rebels.”

Lord Castlereagh denied “that he meant to hold out that an insurrection should be invited, for the purpose of giving government a pretence for enacting strong measures.”†

\* Report from the secret committee of the Irish house of commons, 1798.

† Report of the debate in the imperial parliament, March 7th, 1804, pp. 14, 57.

In statements of this kind, it would be a folly to expect admissions fully and plainly expressed, all that can be looked for, are, glimmerings of truth accidentally emitted, which, corresponding with other analogous lights thrown on one common subject of inquiry, can leave no reasonable doubt of the real nature of the matter under consideration.

The corroborative enlightenment of our minds, in the case of such obscure expressions as those of "well-timed measures," is derived from the admissions of Mr. John Claudius Beresford, in the house of commons, and of Lord Clare, in the house of lords; that torture had been had recourse to in Ireland, in detecting and defeating the plans of the rebels in 1798; "that it was unmanly to deny it," in the words of the former; and in those of the latter, in debate in the British house of peers, the 21st March, 1800, that "he admitted, (on the subject of torture,) that it had been used, and he put it as a question, in the case of the blacksmith, (which had been referred to in the debate,) from whom a confession of pikes had been extorted, whether the injury to society by his torture for *half-a-minute* was not less than that of the number of murders which would have taken place if that confession had not been extorted."\*

There is a cool deliberate impudence in this audacious attempt to make it appear that the use of torture had been only had recourse to in a single instance. The practice was general in Dublin, in the principal towns of Wicklow, Westmeath, Kildare, Wexford, Carlow, Kilkenny, Louth, Antrim, Donegal, and Monaghan. In Clonmel and Waterford the torturers were persons of distinction, as they were in Dublin, Drogheda, and Wexford.

England at this period was prosperous and powerful; eighteen years previously, she was weak and embarrassed. But her position in 1798, was very different to what it was at the close of the American war, when she was weak, broken, disunited at home, unsuccessful in her colonies, and friendless on the continent. In 1800, she had risen to the highest pinnacle of her imperial elevation, her interests were triumphant in all parts of Europe, with the exception of France,—her fortunes were prosperous in

\* Parliamentary Register. London Chronicle, March 21st, 1801.



the East and West Indies. Her arms were every where victorious, her credit was restored, her commerce and agriculture had revived. She was drunk with glory,—but still insatiable in her thirst for imperial domination. It mattered not how or where she was to be aggrandized. The only question was, when and where an attempt should be made to extend dominion, or to concentrate its power ?

The first use she made of her prosperity, was to rob Ireland of her national independence,—of the parliament, whose independence she had solemnly ratified in her own senate eighteen years before.

## CHAPTER XVII.

THE projected union of the kingdoms of Ireland and England, was grounded on a parliamentary prerogative, presumed to exist in the Irish legislature, by which it was empowered to use the trust reposed in it by the nation, for the destruction of the vital principle in which that trust had its being, and the exercise of its delegated attributes its origin.

The means employed to effect the object were fraud and force, embracing every species of delusion, corruption, and intimidation. The ministerial purpose was of a nature that necessitated action, on the principle that reasons of state involve higher interests, and include graver imperial considerations, than those which are connected with ordinary notions of justice, matters of conscience, or mere questions of right and wrong.

On the 22nd of January, 1799, his Excellency, Lord Cornwallis, opened a new session of parliament with a speech, wherein, directing its attention to the efforts that had been made for the separation of the two kingdoms, he said, "he was commanded by his majesty, to express his anxious hope, that this consideration, joined to the sentiment of mutual affection and common interest, may dispose the parliament in both kingdoms to provide the most effectual means of maintaining and improving a connexion essential to their common security, and of consolidating, as far as possible, into one firm and lasting fabric, the strength, the power, and the resources of the British empire."\* The committee appointed to draw up the address to his majesty in reference to this paragraph, all important to the Irish parliament, replied; "We shall not fail

\* Parliamentary Debates, 1797.

to give the fullest consideration to a communication of such momentous importance." The address was moved by Lord Tyrone, and seconded by Mr. Robert Fitzgerald; the debate lasted for twenty-two hours; two other debates took place on the union, in the house of commons in the same month. An amendment was proposed to the address, on the first debate in the house of lords, by Lord Powercourt, couched in the following terms, "That the union, as their lordships conceived, was not within the limits of their power; and that if it were, it would be highly impolitic to adopt such a measure, as it would in their opinion tend more than any other cause ultimately to a separation from Great Britain." The amendment was negatived; forty-six lords were for entertaining the question of union, nineteen against it; while in the commons, ministers had but a majority of one, and on the debate of the report of the address the day following, government was left in a minority of five. The members were a hundred and six for the union, a hundred and eleven against it; and this result closed all further proceedings on the subject during the remainder of the session.\*

The rejection of the union spread joy throughout the country; meetings were called in almost every town, and congratulatory addresses voted to the principal opposers of the measure. On the 1st of June, 1799, Lord Cornwallis closed the session with a speech, which plainly announced the determination of the minister to persist in his nefarious purpose:—

"I have his majesty's particular commands, to acquaint you, that a joint address of the two houses of parliament of Great Britain has been laid before his majesty, accompanied by resolutions proposing and recommending a complete and entire union between Great Britain and Ireland, to be established by the mutual consent of both parliaments, founded on equal and liberal principles; on the similarity of laws, constitution and government, and on a sense of mutual interests and affections." \* \* \* \* \*

The minister had fully calculated on the success of his measures, in the month of January. Of the three hundred members of

\* Hardy's life of Charlemont, vol: ii., p. 419.



which the house was composed, two hundred and sixteen had voted on the 24th ; sixty-nine held offices during pleasure ; nineteen were to have offices for their votes ; and one was bought over in the body of the house ; thirteen commoners were subsequently created peers, or their wives peeresses, for their votes.\*

Barrington's Rise and Fall, p. 420,

## CHAPTER XVIII.

AT the opening of parliament, the 15th of January, 1800, no reference whatever was made to the speech from the throne on the projected union. Sir Laurence Parsons opened the debate, by observing, that “the reason of the omission was obvious to every man in the house. From the time that we rejected that measure, last session, the minister has employed every engine of the government, and endeavoured, by the most unwarrantable practices, to pervert the sentiments of the parliament on that subject; and he does not wish that you should take it into consideration until his machinations are complete. If those in power thought an union would be a beneficial measure for these kingdoms, they would be right in proposing it; but, then, they should propose it to the free, uninfluenced, uncontaminated sentiment of parliament, instead of which, means have been used which would render this measure, if carried, *not an act of the parliament, but an act of despotism. It matters not whether you, the representatives of this great nation, are turned out of that door by the sword of the army, or the gold of the treasury—by a Cromwell or by a secretary; in BOTH cases the treason against the constitution is the same.* One of the greatest offences of James II. was attempting to pack a parliament. What is the offence that I arraign now? It is that the minister of the crown is prostituting the prerogative of appointing to places, in order to pack a parliament. The transaction is too glaring;—a string of men are to go out, who were against the union, in order that a string of men may come in, who are for it. Any thing so barefaced has not appeared in either kingdoms since the days of that abdicated monarch. Are we, then, to sit supinely here until his practices are matured? Are we to wait while we see the serpent collecting himself in his coils,

only to spring upon us with greater violence, and not to strike at him now? Are any measures to be kept with a government which is proceeding against your constitution by such foul means? Does not the time in which the English ministers have determined to attempt the union, prove that they mean to take an *unfair advantage of Ireland?* They first attempted it during the weakness and distraction of this country, and in the last session; and though rejected by this house, and condemned universally by the nation, they are preparing to renew the attack now, *while the spirit of the people is still depressed by recent troubles;—while the country is covered with armies, far greater than ever were known here before;—while martial law prevails, and a formidable invasion is menaced; in short, while apprehensions from without and from within preclude all free exercise of the public mind upon the fatal project, they hope to trample on the independency of Ireland.*”\*

Sir L. Parsons moved an amendment to the address, assuring his majesty, that “the bounden duty, wishes, and sentiments of all his Irish subjects were, to preserve the blessings which they owed to the spirited exertions of an independent resident parliament, the paternal kindness of his majesty, and the liberality of the British parliament in 1782.”

The debate on the 15th and 16th of January, introduced Mr. Grattan to the scene of his former triumphs, when, in the language of the report of the parliamentary debates, “an indescribable emotion seized the house and gallery, and every heart heaved in tributary pulsation, to the name, the virtues, and the return to parliament of the founder of the constitution of 1782, the existence of which was then the subject of debate.”†

To this debate, and the succeeding ones of the 5th and 6th, and the final one of the 19th of February, Ireland owes those master-pieces of noble, national, patriotic eloquence which are the chief glory, “life, grace, and ornament” of its senate. It does not come within the limits of the object of this volume, to attempt to convey any idea of the vast powers of mind, and still more inestimable principles of independence and fidelity to the constitu-

\* Parliamentary Debates, 1800, p. 8.

† Parliamentary Debate of the 15th and 16th January, 1800. Moore, Dublin, p. 116.



tion of their country, which were displayed in the speeches of Grattan, Plunkett, Bushe, Ponsonby, and Parsons,—of the bold assertion of the nation's rights, and the incorruptible integrity manifested in those of Foster, Parnell, Dobbs, Egan, Barrington, Hardy, Rochfort, O'Donnell, O'Hara, and Falkiner.\*

Neither is it in my province, to illustrate the wickedness, the weakness, or the folly of those who sold their country's rights, or were seduced into the crime of bartering them for the favour of a foreign minister, for gold, for titles or preferment, by any reference to the speeches or the votes of the prime culprit, Lord Castlereagh, his reckless coadjutor, Lord Clare, Lord Tyrone, Toler, Kemmis, Verner, Coote, Smith, Musgrave, Newcomen, the Cavendishes, the Moores, the Knoxes, the Lindsays, the Beresfords, and their more obscure, but not less ignoble, compeers.

If brilliant eloquence could have produced any effect on a packed parliament, or the conscience of a corrupt minister, Grattan's closing speech in this debate, on the 16th inst., might have excited at least a sense of shame, some feelings of remorse, some latent spark of pity even for the drooping advocate, hopeless of his cause, who sunk exhausted into his seat, at the termination of his speech, in that place where he had once been the foremost man of his time; the approved of all approvers; the father of his country's independence in 1782; the glorious defender of it in 1789; the faithful follower of its fortune, who "had watched over its cradle, and walked after its hearse" to the grave in 1800.

The amendment of Sir L. Parsons was lost by a majority of 42 votes; 96 were in its favor, and 138 against it.

On the 3rd of February, 1800, Lord Castlereagh delivered a message from the lord lieutenant, acquainting parliament "that a joint address of the two houses of the British parliament had been laid before his majesty, accompanied by resolutions proposing and recommending a complete and entire union between Great

\* Sir Frederick Falkiner was known to the author, when he was in the direst distress. Even then he was a perfect personification of an Irish gentleman—of the old school, of polished manners, of excellent humour, and fascinating address. Poverty ultimately broke down his spirit and his reason. He died in a foreign country by his own hand in 1823, after receiving an unfeeling rebuff from one of his own countrymen, to whom he had applied for some pecuniary assistance.

Britain and Ireland, to be established by the mutual consent of both parliaments, founded on equal and liberal principles; on the similarity of the laws, constitution and government, and on a sense of mutual interests and affections. \* \* \* \*

*“His majesty had observed with increasing satisfaction, that the sentiments which have continued to be manifested in favor of this important and salutary measure, by such numerous and respectable descriptions of his Irish subjects, confirmed the hope he had expressed, that its accomplishment would prove to be as much the joint, as it unquestionably was the common, interest of both his kingdoms.”*

The “increasing satisfaction” at the continued manifestations of the approving sentiments of the Irish lieges, of “such numerous and respectable descriptions,” with respect to this “salutary measure,” did honor to the royal head and heart; infinite credit to the ingenuous qualities of the English minister, and the powers of face of his Irish minion, who pronounced these words before the representatives of the Irish people. Human fatuity, falsity, and effrontery, could not go farther, and human endurance can hardly be said ever to have been tried more effectually than it was on this occasion, by the recreant reformer, the would-be destroyer of his political associates in 1794, and the young apostate from his early principles, the juvenile patricide, who united the cool calculating perfidy of a Reynolds, with the brazen bare-faced flagitiousness of the hoary headed scorner and corrupter of public virtue, Sir Robert Walpole.

Previously to the delivery of the viceroy’s message, Sir Laurence Parsons stated to the house “An act which he considered as one of the greatest enormity, a high infringement of the privileges of parliament, and a violation of the liberties of the subject. His information was derived from the most respectable persons (whom he named). *A Major Roberts, who commanded at Birr, having been lately told there was an intention of assembling the freeholders and inhabitants to deliberate on the propriety of petitioning parliament against a legislative union, replied to the communication, that he would disperse them by force if they attempted any such thing; that the major, however, applied to government for directions as to his conduct, and the kind of directions he gave could only be judged of by the conduct itself.*

*On Sunday last, several freeholders and respectable inhabitants assembled in the session house, when the High Sheriff, Mr. Darly, went to them and ordered them to disperse, or he would compel them; they were about to depart when a gentleman came, and told them the army was approaching. The assembly had just time to vote the resolutions, but not to sign them. They broke up, and as they went out of the sessions house, they saw moving towards it a column of troops with four pieces of cannon in front, matches lighted, and every disposition made for an attack upon the sessions house, a building so constructed that if the cannon had been fired it must have fallen on the magistrates and people, and buried them in its ruins. A gentleman spoke to Major Roberts, on the subject of his approaching in that hostile manner; his answer was, that he waited but for one word from the sheriff that he might blow them to atoms! These were the dreadful measures," Sir Laurence said, "by which government endeavoured to force the union upon the people of Ireland, by stifling their sentiments and dragooning them into submission."\**

He proposed two resolutions, deprecatory of the act of preventing freeholders of any county, from meeting to petition parliament, and requiring that High Sheriff Darly and Major Roberts should be called to the bar. The motion was opposed by Lord Castlereagh. He said "*it was one of those inflammatory tricks which had of late been frequently played off, and if now adopted, would seem to admit the fact alleged, by unnecessarily declaring a principle, always and universally asserted.*"

Few men have ever been more true to their infamy than Lord Castlereagh. He never stumbled, in public life, by accident or even by stratagem, on any straight-forward, honest, or honorable proceeding. Johnson speaks of an English poet, who was not only extremely vicious, but singularly open and undisguised in his depravity. Castlereagh shared this peculiarity with the English poet, but then, we are told, it was only in public that the Irish lord was a villain.

\* Parliamentary Debates, v. and vi., February, 1800, Moore, Dublin, p. 144. A similar proceeding to that described by Sir L. Parsons took place in the county Tipperary. A county meeting, duly convened by the sheriff, to enter into resolutions condemnatory of the projected union was dispersed by military violence.



After the message of the viceroy had been delivered by his lordship, he submitted the eight articles of the union to the house. After reading the infamous propositions, and entering on some details respecting differential duties, he said, "He trusted he had stated enough to show that the proposal, (union,) was such a one, *as it was honest in Great Britain to make, and honorable for Ireland to accept.*" Lord Castlereagh's motion, (craftily framed so as to conceal its vast importance to the destinies of Ireland,) to have the articles of union, and other papers connected with that measure printed and circulated, being put, ministers had a majority of 43; 158 voted for the motion, 115 against it. By this division the union was virtually carried. On the 10th of February, when the measure was brought before the house of peers, Lord Clare made his celebrated speech, the concluding words of which were, "I now propose to this grave assembly for their adoption, an entire and perfect union of the kingdom of Ireland with Great Britain. *If I live to see it completed, to my latest hour I shall feel an honorable pride in reflecting on the little share which I may have had in contributing to effect it.*"\*

Poor humanity! how soon do all thy big hopes of wealth, of pomp, power, and of official greatness, vanish. Little did the proud lord think, who was then domineering over his order, and dooming his country to national death and degradation, that "the latest hour," of which he spoke, was not far distant, that scarcely eighteen months should elapse before he should be humbled in the dust,—and yet on his death-bed should deplore to his surrounding relatives, that he had contributed to effect a union, and with his latest breath bitterly lament the mischievous and mistaken part he had taken. This fact is given on the authority of his lordship's nephew, in Mr. Grattan's work; in this volume it is given on the authority of his lordship's niece. He died on the 28th Jan., 1802. A man singularly gifted, with noble talents, great energy, signal courage, capable of most generous actions; but proud, arrogant, and unprincipled; an enemy to his country, and a victim to the chagrin of ill-weaved ambition, and of mortified pretensions to consideration in the country, to which he had betrayed his own.

At the close of the session of 1799, Lord Castlereagh's efforts

\* Parliamentary Debates, 1800, p. 101.

to secure by any means a majority in the commons for his next attempt on the life of his country's independence, had been indefatigable. "The place-bill," says Sir Jonah Barrington, "so long and so pertinaciously sought for, and so indiscreetly framed by Mr. Grattan and the whigs of Ireland, now, for that time, proved the very engine by which the minister upset the opposition, and annihilated the constitution. That bill enacted that members, during the pleasure of the crown, should not sit in parliament unless re-elected; but, unfortunately, the bill made no distinction between valuable offices which might influence, and nominal offices which might job; and the chiltern hundreds of England were, under the title of the escheatorship of Munster, Leinster, Connaught, etc., transferred to Ireland, with salaries of forty shillings, to be used at pleasure by the secretary. Occasional and temporary seats were thus bartered for by government, and by the ensuing session made the complete and fatal instrument of packing the parliament and effecting a union."\*

"Lords Cornwallis and Castlereagh," says Barrington, "having made good progress during the recess, now discarded all secrecy and reserve. The *various acts of simple metallic corruption*, which were practised without any reserve, during the summer of 1799, are too numerous to be recited in this volume. It will be sufficient to describe the proceedings, without particularizing the individuals. Many of the peers and several of the commons had the patronage of boroughs, the control of which was essential to the success of the minister's project: these patrons Lord Castlereagh assailed by every means which his power and situation afforded. Lord Cornwallis was the remote, Lord Castlereagh the intermediate, and Mr. Secretary Cooke the immediate agents on many of these bargains. Lord Shannon, the Marquis of Ely, and several other peers, commanding votes, after much coquetry, had been secured during the first session, but the defeat of government rendered their future support uncertain.

"The parliamentary patrons had breathing time after the preceding session, and began to tremble for their patronage and importance; and some desperate step became necessary to government, to insure a continuance of the support of these personages.

\* Barrington's Rise and Fall, p. 407.

This object gave rise to a measure which the British nation will scarcely believe possible ;—its enormity is without a parallel.

“ Lord Castlereagh’s first object was to introduce into the house, by means of the Place-Bill, a sufficient number of dependants to balance all opposition. He then boldly announced his intention to turn the scale, by bribes to all who would accept them, under the name of *compensation* for the loss of patronage and interest. He publicly declared, *first*, that every nobleman who returned members to Parliament, should be paid in cash £15,000, for every member so returned : *secondly*, that every member, who had *purchased* a seat in the parliament, should have his purchase money returned to him by the treasury of Ireland ; *thirdly*, that all members of parliament or others, who were losers by a union, should be fully recompensed for their losses ; and that £1,500,000 should be devoted to this service :—in other terms, all who supported his measure, were, under some pretence or other, to share in this bank of corruption.

“ A declaration so flagitious and treasonable was never publicly made in any country ; but it had a powerful effect in his favour ; and before the meeting of parliament, he had secured a small majority (as heretofore mentioned) of eight, above a moiety of the members, and he courageously persisted.

“ After the debate on the Union, in 1800, he performed his promise, and brought in a bill to raise one million and a half of money upon the Irish people, nominally to compensate, but really to bribe, their representatives, for betraying their honour and selling their country. This bill was but feebly resisted—the divisions of January and February (1800) had reduced the success of the government to a certainty, and all further opposition was abandoned.”\*

\* Barrington’s Rise and Fall, pp. 449, 450.



COMPENSATION FOR BOROUGH RIGHTS EXTINGUISHED BY THE UNION, AND NAMES OF BOROUGHES FOR WHICH IT WAS SEVERALLY AWARDED.

BOROUGHES.	COMPENSATION.	BOROUGHES.	COMPENSATION.
Clonnakilty . Co. Cork	£15,000	Blessington . Wicklow	£15,000
Castlemartyr . do.	15,000	Wicklow . . . . .	15,000
Charleville . do.	7,500	Inistioge . Kilkenny	15,000
— . —	7,500	Cavan . . . . .	7,500
Newcastle . Dublin	15,000	Philipstown . King's Co.	15,000
Ballinakill . Queen's Co.	15,000	Carlingford . Louth	7,500
St. Johnstown . Longford	15,000	Dunleer . do.	7,500
Mullingar . Westmeath	15,000	Askeaton . Limerick	15,000
Harristown . Kildare	15,000	Charlemont . Armagh	15,000
Boyle . Roscommon	15,000	Middleton . Cork	15,000
Longford . . . . .	15,000	Naas . Kildare	15,000
Augher . Tyrone	15,000	Maryborough . Queen's Co.	15,000
Killbeggan . Westmeath	15,000	Enniscorthy . Wexford	15,000
Castlebar . Mayo	15,000	Ardee . Louth	15,000
Kilmallick . Limerick	15,000	Doneraile . Cork	15,000
Duleek . Meath	15,000	Lanesborough . Longford	15,000
Taghmon . Wexford	15,000	Kells . Meath	15,000
Carrick, Drumsruck	15,000	Lismore . Waterford	15,000
Belturbet . Cavan	15,000	Tallagh . Waterford	15,000
Ballyshannon . Donegal	15,000	Newtown-Lim-	
Newtownards . Down	15,000	avady . Derry	15,000
Banagher . King's Co.	15,000	Killybegs . Donegal	15,000
St. Johnstown . Donegal	15,000	Baltinglass . Wicklow	15,000
Callan . Kilkenny	15,000	Fethard . Tipperary	15,000
Baltimore . Cork	15,000	Trim . Meath	15,000
Dingle . Kerry	15,000	Tuam . Galway	15,000
Carysfort . Wicklow	15,000	Knoektopher . Kilkenny	15,000
Rathcoormac . Cork	15,000	Granard . Longford	15,000
Hillsborough . Down	15,000	Athy . Kildare	15,000
Monaghan . . . . .	15,000	Kildare Co. . . . .	15,000
Lifford . Donegal	15,000	Randalstown . Antrim	15,000
Ratoath . Meath	15,000	Tulsk . Roscommon	15,000
Fore . Westmeath	15,000	Donegal Co. . . . .	15,000
Ardfert . Kerry	15,000	Roscommon Co. . . . .	15,000
Gouran . Kilkenny	15,000	Navan . Meath	15,000
Thomastown . do.	15,000	St. Canice, &c.,	
Clonmines . Wexford	15,000	Irishtown . Kilkenny	15,000
Bannow . do.	15,000	Clogher . Tyrone	15,000
Fethard . do.	15,000	Old Leighlin . Carlow	15,000
Bangor . Down	7,500	Antrim Co. . . . .	15,000
Jamestown . Leitrim	7,500	Swords . Dublin	15,000
Killyleagh . Down	15,000		
Gorey . Wexford	15,000		
		Total Compensation	£1,237,500

55 Boroughs vested in peers, and for which compensation was awarded them by the Commissioners.

3 Boroughs vested in Bishops, for which payment was awarded to the First Fruits' Fund.

24 Boroughs vested in private individuals, who received compensation according to their alleged duration of tenure, and one Borough—Swords, so noto-

riously corrupt that none of the many claimants could establish any valid claim to monied compensation.

Barrington says :—

Lord Shannon received for his patronage in the Commons	£45,000
The Marquis of Ely . . . . .	45,000
Lord Clanmorris, besides a peerage . . . . .	23,000
Lord Belvidere, besides his <i>doceur</i> . . . . .	15,000
Sir Hercules Langrishe . . . . .	15,000

The Speaker, the Right Honourable John Foster, on the 17th of February, when the bill was in Committee, pronounced his able speech in opposition to it; the last effort of the uncorrupted and incorruptible opposition, and it may be termed the funeral oration of the Irish parliament.

On the final division, ministers had a majority of forty-three. There were twenty-seven members unavoidably absent, all inimical to union; and one hundred and fifteen having voted against it, the government in reality had only a majority of eight votes, taking into account the total number of members of the house—namely, three hundred; and of the one hundred and fifty-eight, twenty “were notoriously bribed or influenced corruptly.”\*

\* Barrington's Rise and Fall, p. 461.

## CHAPTER XIX.

THE incompetency of the representatives of the people to vote away the parliament they were delegated to sit in for the sole purpose of making, amending, or evoking laws consistent with, or confirmatory of, its fundamental authority, is pointed out by Barrington, in the following terms:—

“The great fact, therefore, (and the irrefragable authorities on which it rests are repeated and spread over many parts of this short history,) necessarily produces a deduction, more intrinsically important, and involving more grave considerations than any other that can arise upon this subject. From these principles it follows as a corollary, that the act of union, carried by such means, was, in itself, a nullity, *ab initio*, and a fraud upon the then existing constitution; and if a nullity in 1800, it is incontrovertible that nothing afterwards did, or possibly could, validate it in 1833.

“No temporary assent, or, in this case, submission, could be deduced as an argument. No lapse of time, unless by prescription (beyond which the memory of man runneth not), can ever establish any act, originally illegal;—no limitation, through lapse of time, can bar the rights and claims of the crown,—there is no limitation, through lapse of time, to the church,—no limitation, through lapse of time, can bar the chartered right of even a petty corporation; and *à fortiori*, no lapse of time can legalize any act hostile to the rights of a free people, or extinguish the legislature of an independent nation. IN THAT POINT OF VIEW, THEREFORE, NO LEGISLATIVE UNION EVER WAS CONSTITUTIONALLY ENACTED BETWEEN THE TWO COUNTRIES!!!

“But considering that question in another point of view; it is the invariable principle of all international law, that the infraction of a solemn treaty, on the one side, dispenses with any adherence



to the same treaty by the other; of course, annuls both, and leaves the contracting parties *in statu quo*, as they respectively stood before the treaty; and it was, therefore, argued by those able men, that the renunciation act of the 23rd George III., ‘recognizing the unqualified independence of Ireland, and expressly stipulating and contracting that it should endure for ever,’ was the very essence and consideration of the international and federative treaty; and through its infraction by England, both countries stood in the very same state as at the period when England repealed her own statute of George I., and admitted its unconstitutionality and her own usurpation. Ireland, of course, remained in the same position as she stood at that period. \* \*

“From all these considerations it inevitably follows, that if, through force, or fraud, or fear, or corruption, in enacting it, the union was null, then any act of the imperial parliament, repealing the act of union, would be, in fact, only repealing a nullity, and restoring to Ireland a legislature she never had been constitutionally deprived of. It was admitted that had the infraction of the federative treaty been the act of Ireland, then this reasoning would have lost its validity; but the contrary is direct and indisputable.”\*

We find something like a spirit of prophecy in the language with which this measure was reprobated in the English parliament:

The present Lord Grey, in 1800, thus opposed the union:—

“If the parliament of Ireland was left to itself untempted, un-intimidated, it would have rejected the resolutions. There are three hundred members, and one hundred and twenty of these strenuously opposed the measure, amongst whom were two-thirds of the county members, the representatives of Dublin, and almost all the towns which it is proposed shall send members to the imperial parliament; one hundred and sixty-two voted in favour of the union; of those, one hundred and sixteen were placemen—some were English generals of the staff, without a foot of ground in Ireland; completely dependent upon government. \* \*

Let us reflect upon the acts used since last session of the Irish parliament to pack a majority. All persons holding offices under government, even the most intimate friends of the minister, if

they hesitated to vote as directed, were stript of all their employments. Other arts were had recourse to ; no less than sixty-three seats were vacated by their holders having received nominal offices. \* \* \* \* \*

“Twenty-seven counties petitioned against the measure (the union). The petition from Down is signed by 17,000 independent men, and all the others are similar. Dublin petitioned under the great seal of the city, and each of the corporations followed the example. Those in favour of the measure, possessing great influence, obtained a few counter-petitions; yet, though the petition from Down was signed by 17,000, the counter-petition was signed only by 415. Though there were 707,000 who signed petitions against the measure, the total number of those in favour of it did not exceed 3,000, and many only prayed that the measure might be discussed. Could a nation in more direct terms, express its disapprobation, than Ireland has, of a legislative union with Great Britain? The nation is nearly unanimous, and this great majority is composed not of fanatics, bigots, or Jacobins, but of the most respectable in the community. \* \* \* \*

I am far from supposing British members will wantonly abuse their powers (not *they*, of *course*!)—but the property of A NATION SHOULD NOT BE LEFT AT THE DISCRETION OF ANY MEN WHO ARE STRANGERS! \* \* \* *We naturally take a pleasure, when in calamitous circumstances, in bringing others into a condition equally deplorable—it is, therefore, to be feared that we would not be unwilling to make the burdens of Ireland as heavy as our own.*”

This prophecy has been more than borne out; for while they have made us responsible equally with themselves, for the whole of the enormous debt of England, they have, by ruining our trade and manufactures, and by stimulating absenteeism, rendered us less able to pay to the general revenue. We are, therefore, hopelessly mortgaged, so long as the union endures.

Lord Grey thus concluded:—“Though you carry the measure, yet *the people of Ireland will wait for an opportunity of recovering their rights, which they will say were taken from them by force!*”

While the last act of the drama was performing inside the walls of the Irish parliament, the house was surrounded with

soldiers; an English regiment was selected for this service, and the porticos of the noble building were bristling with bayonets when the members walked out of the house they were to enter no more—except on business connected with money. Just as the debate had concluded, a gentleman, well known in Dublin, saw Curran, wrapped in a great coat, standing beside one of the pillars of the portico, leaning against it, where he had been apparently for some time. His face was shrivelled, its expression haggard, the color of his face almost yellow, he was the picture of despair. Curran was not then a member of the house. The gentleman accosted him, Curran shook hands with him but did not speak one word. The gentleman put his arm in his, and led him away; Curran moved on as if he was unconscious of the presence of an old acquaintance. At length some observation in reference to the result of the debate caught his attention. He stopped suddenly, stood immediately in front of his acquaintance, who was one of the society so many of whose members had been his clients,—and said with that extraordinary energy which was peculiar to him,—“Where are your 300,000 men now?”

Other words were spoken, some incoherently, none that might not have been expected to have fallen from the lips of John Philpot Curran on that occasion.

The picture of that Irish Marius standing on the threshold of that place where the liberties of a nation were laid in ruins—spell-bound, silent, desolate in mind, stricken down, and spirit broken, brooding over the fall of Ireland, the annihilation of her nationality,—might suit our public places, and the walls of that building which *was* a house of parliament, as well as the representation of William the Conqueror landing in England, or triumphing at the battle of Hastings. Times may come when Ireland may have galleries for works of art devoted to the illustration of her history. It is too much the fashion to think there are no bright spots in its pages. There are passages in them worthy of great artists.



## CHAPTER XX.

WE have now to examine the question which has been so often discussed, and so variously decided, namely, the conduct pursued by England towards Ireland since the union.

It may be laid down as a general principle, that small states in the vicinity of, or subject to the power of, great ones are universally looked upon with a jealous eye; that jealousy leads to acts of injustice and feelings of hatred towards its victims. Largeness of territory seems to imply largeness of moral and mental powers on the part of its possessors, and to give a natural right to the inhabitants of a country of great limits, to lord it over the people of narrower ones. The idea of political superiority is invariably associated with a sense of personal superiority, a proud persuasion, on the part of the inhabitants of the country which is the seat of empire, or the centre of arts and commerce, of superior powers of intellect and moral attributes, over those of a smaller country, or one subject to it. Sometimes we find this superiority asserted on higher grounds than those merely of locality, or of any adventitious advantages. It is generally, but very erroneously, believed, that the merit of the conception which made the Irish people "aliens in language, aliens in blood, aliens in religion," to the people of England, belongs to the present Chancellor, Lord Lyndhurst. That memorable passage, varied slightly in the principal epithet and some of the connecting terms, from the original, is to be found in the work of a learned prelate of the church of England, Dr. Edmund Gibson, lord bishop of London, "On the danger and mischiefs of popery," (p. 4, London 1751). It will be observed that his lordship not only defrauded the bishop of his just claim to the merit of this generous repudiation of Irishmen, as having any thing in common, in language, lineage,

or religion with Englishmen, but rather weakened the force of the bishop's reasoning, by omitting some words that tended to show that the great superiority of all of his countrymen over the aliens of Ireland, was in spiritual matters. "By arts and methods too little observed and attended to on our part (says Dr. Gibson) have these *strangers* been suffered to corrupt our people, and devour our strength; for in no other light than that of *strangers*, does our constitution allow us to consider *papists* and *popery*: *strangers* to us in religion; *strangers* in government; and *strangers* in interest and design."

It is a pity to deprive Lord Lyndhurst of the merit of originating this alienating doctrine, but the Right Rev. Father in God,—Edmund Gibson of London, was evidently the author and originator of it, though acted on long before his time, when rapacity publicly took the habit of hypocrisy, and added the guilt of impiety to that of plunder.

The same policy, in reality, which the bishop of London preached the piety of in 1751, which inculcated the necessity of making Catholics "strangers" in their own land, was acted on in recent times, when the Irish were denounced, by the present Lord High Chancellor of England, in the house of peers, as "Aliens in blood, aliens in language, aliens in religion" to the people of England, to whom the act of union professed to bind them in one common bond of brotherhood and citizenship.

No better commentary, than that denunciation, is needed, on the working of that measure of the union at a period of forty years from the date of its enactment. The plain and obvious meaning of that declaration is this;—the Irish, who, in the language of the law, are united to us,—nominally entitled to all the rights and privileges of Englishmen,—are in reality separated from us in all essentials. They are of a separate language, a separate race, a separate creed, they are aliens to us, with whom no union of interest or affection possibly can hold.

The several instances of a financial kind, in which the faith of the British government, as pledged to Ireland in the articles of the union, in the solemn promises of Mr. Pitt, and specious representations of Lord Castlereagh has been broken, are clearly set forth in one of Mr. Staunton's valuable financial statements.\*

\* Staunton's "Case of Ireland," p. 29.

“The countries were united in January, 1801, and three years scarcely passed over before there was an imposition of new taxes, calculated to produce as large a sum as £1,253,000 a year.

“On the 20th of June, 1804, it was left for Mr. Foster, who was an opponent of the union, to make the astounding announcement that the Irish debt, which was to suffer no increase, had ruinously increased; and that the revenue, notwithstanding the million that the English minister was to take on his own shoulder, had declined. He complained of the system of borrowing money out of the country, and thus creating absentee debts, and absentee taxes. He remarked, that the debt, which in 1793 was £2,400,000, was then nearly £53,000,000. He proposed to raise new taxes by increasing the duty on wines.” \* \* \* \* \*

“The total revenue which he expected the state would derive from all these additions, was, as I have said, £1,253,000 a year. \* \* \* \* \*

“Lord Lansdowne, in 1822, made a motion on the state of Ireland. He complained of the obvious decay of the resources of the country. He said (Hansard’s debates, vol. vii. p. 1050) that in 1807 the revenue amounted to £4,378,241; that between that and 1815, additional taxes had been imposed, which were estimated to produce £3,376,000, and that so far from an increase to the revenue having been the result, there was a great decline; the revenue in 1821, having been only £3,844,889, or, £533,000 under the amount before the imposition of the £3,500,000 new taxes. Adding these taxes spoken of by Lord Lansdowne, to the taxes proposed by Mr. Foster, we have a total of £4,629,000, as the fruits of exchequer exaction between 1804 and 1815. \* \*

“At the consolidation of the exchequers in 1817, Mr. Vesey Fitzgerald referred to the declaration of the finance committee, and declared that England had drawn altogether disproportionably on the means of Ireland.

“‘You contracted’ said he, ‘with her for an expenditure she could not meet,—your own share of which you could not meet, but by sacrifices unexampled—by exertions, the tension of which only England could have borne. Ireland had been led to hope her expenditure *would have been less than before she was united to you.* In the fifteen years preceding the union, it amounted to £41,000,000; but in the fifteen years of union it swelled to the



enormous amount of £148,000,000. *The increase of her revenue would have more than discharged, without the aid of loans, an expenditure greater than that of the fifteen years which preceded 1801.* Your own committee have shown you what an advance in permanent taxation Ireland had made.' \* \* \*

“The words of Sir John Newport, as reported, were these :— ‘In reviewing the burdens imposed on that part of the united kingdom, at different periods, (a consideration over-looked too much from the magnitude of the affairs of the empire), it will be seen that she took upon herself too large a share in the expenditure incident to the war, and has now, in a state of peace, a substantial and irresistible claim on the justice of the country for a fair and adequate relaxation of the pressure of taxation which had been accorded to Great Britain. If the statement be indisputable, that Ireland has made such sacrifices, then her claim for relaxation of burthens cannot be impeached.’ \* \* \*

“Mr. Vesey Fitzgerald’s statement and resolutions at the consolidation, are the curiosities of the whole annals of finance. He came down to announce a national bankruptcy. He said, as we have seen, that England contracted with Ireland for an expenditure she could not meet, and the consequence was Ireland’s inability to meet the interest of the increasing debt. He referred to the report of the finance committee of 1815, to show that if Ireland was obliged at length to shrink from the engagements imposed upon her, it was not because her public men had not manifested willingness enough to tax the people to the uttermost. Having made the point of *insolvency*, and having shown that the calamity did not occur in consequence of the energies of Ireland not having been put forth to an extent outstripping England herself, he submitted his resolutions. He moved, first, that ‘The act of union having declared that when the circumstances of the two countries would admit of their contributing indiscriminately by equal taxes to the general expenditure, it shall be competent to the parliament to declare, that all future expenses shall be defrayed indiscriminately by equal taxes.’ He then moved (see parliamentary debates, May 20, 1816) that ‘The respective circumstances of the two countries will, henceforward, admit of their contributing indiscriminately.’ Thus, having declared the incompetency of Ireland, or what he regarded as

such, he, in the next breath, pronounced her perfect ability to bear equal taxes with England. The fact was, Ireland was paying unacknowledged taxes, which were not dreamt of in his philosophy; but the singularity was, that after the declaration of insolvency he had the gravity to move, that ‘henceforward the countries should contribute indiscriminately.’ \* \* \* From this time ‘assimilation’ may be said to have taken its date as a system; but admitting that burthens, according to the notion of the English financiers, should be ‘assimilated,’ it by no means follows that relief should not also be ‘assimilated;’ and it now remains to be inquired how far the two countries have got, relatively, the benefit of tax-remission since the war.

“ We have seen, from the statement of Mr. Ponsonby, that up to 1817 the relief of Ireland was only to the amount of £344,000. In 1818 Irish assessed taxes, to the extent of £236,000, were repealed;\* but in 1819 imperial taxes, to the extent of £3,190,000, affecting, amongst other articles, malt, tobacco, and tea, were imposed; and, as the Irish portion could not be far short of half a million, the practical relief to Ireland must have been, to this period, very limited. In 1821 the entire relief was to England. In 1822 and 1823 the Irish assessed taxes were finally repealed; but the custom duties of Ireland were raised to the standard of England. In 1824 the protecting duties (amounting to £300,000) were removed; but they were practically, according to my view, only an encouragement to British commerce. From 1825 to the present time there is scarcely to be reckoned a relief to Ireland, but what is included in the remission of the leather and coal duties, which are in a great measure counterbalanced by the injurious change in the duties on wines, glass, paper, and postage. According to all calculations entitled to attention, there has been repealed, since the war, taxation particularly affecting Ireland, to the extent of £945,433, and imposed to the extent of £1,005,866, leaving the balance not for, but against, the country; and the total tax remission, up to the present day, if the Duke of Wellington be an authority, amounts to £34,000,000. \* \* \* \*

“ By what recklessness, then, or stupidity, I ask, on the part of the English minister, or inertness on ours, could it have hap-

\* Sir John Walsh, M.P., on parliamentary reform, p. 39.

pened, that we have remained to this moment subject to all the war's burdens without the advantage of the war's enormous expenditure? What was the cause? What could have been sufficient to produce so strange, and anomalous, and ruinous a state of things? The great juggle about the consolidation of the exchequer, is, perhaps, the best answer that can be given to the question. The vulgar notion regarding the Irish debt is, that it exceeded, at the consolidation, £150,000,000, and that England took upon her shoulders over £100,000,000 of the amount. This was what Lord Liverpool would have called 'fairness, generosity, liberality, and kindness.' It has been the answer to every complaint we have made since 1817. Sir John Newport once observed, that he never asked any thing in parliament for Ireland without making Mr. Baring ask, 'when we would pay the debt?' The honourable baronet said he always answered Mr. Baring, by uttering emphatically the word—'*never.*' His opinion is, that we never will, and never ought to pay this debt, as it was borrowed in our name on a false estimate of our resources. At the union, England, as we have seen, bound us to contribute £2,000,000 to her £15,000,000; and when our taxes fell short of this quota, money was borrowed principally in England to make good the deficiency. Now, in the increase of taxes, we went beyond England herself; and when it was requisite that there should be such enormous borrowing in our name, it was plain, that England, to use Mr. Vesey Fitzgerald's phrase, 'contracted with us for an expenditure we could not meet.'"

The value of the matter in the preceding pages furnishes the best apology that can be made for the length of the citation. To the author of the several publications referred to, in which, for years past, an interest has been kept up commensurate with their importance, Ireland is deeply indebted for his indefatigable efforts in her behalf.



## CHAPTER XXI.

THE state of representation under the act of union, in 1800, and the reform bill, in 1833, is thus accurately described in one of the valuable reports of the committee of the repeal association, in 1840, in the following terms.\*

“The mode in which the number of Irish members to sit in the united parliament, was calculated by Lord Castlereagh, and exhibited to the Irish parliament.

	<i>Members.</i>
For Population ... ..	202
— Exports, ... ..	100
— Imports, ... ..	93
— Revenue, ... ..	39
	434

“The mean of these quantities gave  $108\frac{1}{2}$ ; so that, according to Lord Castlereagh’s own calculation, the right of Ireland exceeded 108 members;—no excuse was given for striking off the EIGHT. Of these, Ireland was defrauded without pretext or argument, and reduced to the number of ONE HUNDRED.

“This was a glaring injustice, but it was considerably aggravated by reason of the total fallacy of the scale adopted by Lord Castlereagh.

“For example:—he took the population of Ireland as being only *two-fifths* of the population of England, there being then no actual enumeration in either country;—but the subsequent enumerations have proved, that Ireland, instead of only *two-fifths* of the population of England, had, in fact, *two-thirds*,—so that the allowance by Lord Castlereagh on the above scale of 202 members, ought to have been more than 300 on the score of relative *population*.

\* See pamphlets 42 vol., pamphlet ii, p. 7.

“The second item of the scale is equally fraudulent; namely,—comparative estimates of *exports*; that for Ireland was taken by Lord Castlereagh as only *one-fifth*; whereas, in fact, Ireland at that time supplied the British forces in almost every quarter of the globe, with provisions of every description, and her exports ought to have been taken at *two-fifths* at the least.

“The third item, the *imports*, were calculated as considerably below *one-fifth*, but they certainly were much higher, and, instead of ninety-three members, ought, at the very lowest calculation, have given Ireland 100,—that is, *one-fifth*.

“The fourth item, of *revenue*, was perfectly fraudulent, because Ireland at that time owed a debt only of NINETEEN MILLIONS,—whereas, at that time, England owed above FOUR HUNDRED AND SEVENTY MILLIONS; the consequence is, that the interest of at least 450 millions ought to have been deducted from the English revenue, before it was brought into a comparison with that of Ireland: and it is perfectly manifest that in that view of it, the Irish revenue, instead of being, what Lord Castlereagh called it, *one-twelfth*, was certainly, at the least, *one-sixth*. \* \* \* \*

“Your committee are convinced that they have made these corrections much more unfavorable to Ireland, than they really would have been, and they now beg leave to contrast the scale, as produced by Lord Castlereagh, with that which he ought to have produced, if he had any regard to the just rights of the people of Ireland.

<i>Lord Castlereagh's scale.</i>		<i>It ought to be—</i>					
Population, - -	2-5th, ...	202	2-3rd	...	...	...	300
Exports, - - -	1-5th, ...	100	2-5th,	...	...	...	200
Imports, less than	1-5th, ...	93	1-5th,	...	...	...	100
Revenue, - - -	1-12th, ...	39	1-6th,	...	...	...	78
		434					678

“The mean of the first was, as we have already shown, 108,—which was the number of members Lord Castlereagh *admitted* Ireland ought to have: whereas, even upon the data assumed by himself, if this had been stated with any species of accuracy, the mean of the 678 would be 169½.

“Thus, at the union, if justice had been done to Ireland, she would have obtained 169 members, instead of 100.

“Under these circumstances it is palpable that we do not claim too much in asking for 150 members, or in declaring that we are convinced that no justice can be intended for Ireland in this particular, as long as the number is less. \* \* \* \*

“Then we take up the finance report of the year 1831, which gives to Great Britain a nett revenue of £48,325,215, while it attributes to Ireland only £4,560,897; now this must be admitted to be entirely fallacious. \* \* \* \*

“For example;—there were many articles consumed in Ireland, the entire duty of which was paid in England; the amount cannot be accurately ascertained, as separate accounts are no longer kept for Ireland: but the last year in which such separate account was kept, the duty on teas consumed in Ireland, exceeded £500,000, and various other articles, as, silks, spices, drugs, and the greater part of the duty on timber, sugar, cotton, coffee, paper, glass, wine, and other articles consumed in Ireland were paid in, and credited to, England. To make this matter plain, we have taken the account as it ought to be stated, by correcting the finance report of 1831, according to the admitted truth and fact.

Revenue credited Great Britain, ... ..	£48,325,215.
Deduct teas consumed in Ireland,     £500,000,	
Deduct for all other customizable } articles consumed in Ireland,     £1,000,000,	£1,500,000,
	<hr/>
Real revenue of Great Britain, ... ..	£46,825,215,
	<hr/>
Revenue credited to Ireland, ... ..	£4,560,897,
Add the above, ... ..	£1,500,000,
	<hr/>
Actual Irish revenue, ... ..	£6,060,897.

“It will thus appear that Ireland paid considerably more than *one-eighth* of the entire revenue.

“Let it now be recollected, that in 1831 the population of England was, in round numbers, 13,000,000; that of Ireland 8,000,000;—so that, at the passing of the reform act, if the representation ought to be distributed according to population and revenue,—and taking them in the most unfavorable way to Ireland, that is, even supposing the Irish revenue was only one-tenth of the English, the representation should stand thus;—taking the English representation to be so low as five hundred:



Ireland for population, 8 to 13, on 500 gives	307
Revenue, 1 to 10, on 500, gives	... .. 50
	Total 357

“The mean of the *two* being one-half, entitled Ireland to ONE HUNDRED AND SEVENTY EIGHT MEMBERS.

“This was the right of Ireland, at the time of passing the reform bill; and assuredly your committee are extremely moderate, when under the entire of the foregoing circumstances, they propose to the National Association to limit the demand of Ireland, to one hundred and fifty members.

“The other branch of the grievances inflicted on Ireland, consists in the superiority given to the English counties over the Irish,—for this purpose we refer only to a few instances. First, *twenty-five* counties in England do each of them return *four* members, and *one* returns *six*,—viz. Yorkshire.

“*No* county in Ireland returns more than *two* members, though the population of the Irish counties, returning only *two* members is enormously greater than the population of the English counties, returning *four*.

<i>English counties.</i>				<i>Irish counties.</i>			
	<i>Members.</i>		<i>Population.</i>		<i>Members.</i>		<i>Population.</i>
Cumberland,	... 4	...	126,681	Cork,	... .. 2	...	713,716,
Leicestershire,	... 4	...	197,276	Tipperary,	... 2	...	390,598,
Northamptonshire,	4	...	179,276	Down,	... .. 2	...	337,571,
Worcestershire,	... 4	...	211,356	Galway,	... .. 2	...	381,407,
Wiltshire,	... .. 4	...	239,181	Tyrone,	... .. 2	...	302,945.”

## CHAPTER XXII.

THE various acts of post-union injustice, including those of which mention has been made in the preceding pages, have been ably summed up in Mr. Smith O'Brien's admirable speech in the house of commons, on the 4th of July, 1843, and from it the following passages are taken, with which this part of my subject is concluded.

“In passing under review some of the consequences of the union, we shall have no difficulty in discovering whence arises the desire for its abrogation. The first topic to which I shall advert, is its effects upon the financial relations between Great Britain and Ireland. Upon this point, the most extraordinary difference of opinion prevails in the two countries. One can scarcely meet a person in society in England who does not consider it a great hardship, that Ireland should be exempted from any of the taxes borne by England. The first lord of the treasury, (Sir Robert Peel) tells us that Ireland is treated in regard to taxation, with peculiar indulgence. Yet in Ireland it is generally believed that grievous financial injustice is one of the consequences of the union. The light in which this question is regarded in Ireland may be stated as follows.

“At the time of the union, the debts of the two countries were respectively :—

Funded and unfunded debt of Great Britain, year ending,	
January, 1801,   ...   ...   ...   ...   ...   ...	£446,386,044
Funded and unfunded debt of Ireland, year ending, January,	
1801,           ...   ...   ...   ...   ...   ...	28,545,134
Total charge of, in Great Britain, previous to 1801,   ...	16,566,586
Total charge of, in Ireland, previous to 1801,       ...   ...	1,194,006
Difference between the amount of separate taxation, to which	
Great Britain is fairly liable on account of debt in-	
curred previous to the union,   ...   ...   ...   ...	15,372,580

“ Assuming that Ireland has been taxed in proportion to its resources, equally with Great Britain, since the union, there ought still to be this difference of taxation; otherwise, the poorer country is called upon to pay the debt incurred by the richer, previous to the partnership. But instead of a separate taxation on Great Britain, exceeding £15,000,000, the produce of all the taxes to which Great Britain is liable, and from which Ireland is still exempt, exclusive of the property tax, does not now amount to much more than £7,000,000. The property tax will produce about £5,000,000, from which a portion is derived from the tax on the incomes of Irish absentees. In order to show that Ireland contributed, to the extent of its resources, equally with Great Britain during the war, I will quote an extract from the report of the select committee of 1815, on the public income and expenditure of Ireland.

“ Your committee cannot but remark, that for several years, Ireland has advanced in permanent taxation, more rapidly than Great Britain itself, notwithstanding the immense exertions of the latter country, and including the extraordinary and war taxes. The permanent revenue of Great Britain itself, having increased from 1801, when the amounts were first made to correspond in the portion of  $16\frac{1}{2}$  to 10; the whole revenue of Great Britain (including war taxes,) in the proportion of  $21\frac{1}{4}$  to 10; and the revenues of Ireland in the proportion of 23 to 10.

“ But in the 24 years referred to by your committee, the increase of Irish revenue has been in the proportion of  $46\frac{3}{4}$  to 10.

“ The above statement was made by a parliamentary committee, at the close of the war. But it may be said, that in the remission of taxes since that time, greater indulgence has been shown to Ireland than to England. I have moved for a return of the amount of taxes affecting each kingdom, which have been repealed since 1814. That return has not been yet presented: I must therefore rely on secondary authority, and quote the statement made by Mr. O’Connell in the debate in the corporation of Dublin upon the repeal of the union, in which he computed that the produce of taxes affecting Great Britain, which have been repealed, amounted to £47,214,338; whilst during the same period, the taxes repealed, which affected Ireland, amounted only



to £1,575,940, being *one-thirtieth*,—whereas, in the imposition of taxes, it was computed that Ireland ought to be subjected to a burden proportioned to that of Great Britain, in the ratio of 2 to 15, or  $7\frac{1}{2}$  to 1. The financial jugglery by which Ireland has been brought in as a debtor to Great Britain, has been as follows:—Mr. Pitt in dictating the terms of the union, assumed that Ireland could pay towards the general expenses of the united kingdom a contribution in the proportion of 2-15ths, or 1 to  $7\frac{1}{2}$ , although the previous revenue of Ireland had borne to the revenue of Great Britain, the proportion of less than 1 to 12. Separate accounts were kept for each kingdom. Loan was added to loan, and placed to the account of Ireland, although over such loans Ireland had no control, until at length the Irish revenue was unable to meet the interest on the nominal debt so accumulated against it. In the meantime, taxation had been carried in Ireland to that point, at which increased taxation produced a diminution instead of an increase of revenue. At length in 1816, the exchequers of the two countries were consolidated, and since that period, successive attempts have been made to assimilate the taxation of Ireland to that of Great Britain, until the Irish people will have the privilege of contributing, equally with the English, towards the payment of the charge on the debt incurred by Great Britain previously to the union. The people of Ireland are unable to perceive the justice of these financial arrangements; and they feel indignant, when they are told, upon every occasion on which a grant of £10,000 may be required for such objects, that they do not contribute in their fair proportion to the taxation of the united kingdom, and that England ought not for ever to be made ‘a milch cow’ to Ireland. Those who desire a repeal of the union, contend, that if that measure were to take place, the financial arrangement of the two countries would be adjusted on a footing more favourable to Ireland than that on which they at present stand; and that either the taxes upon the principal articles of consumption, such as tea, sugar, malt, tobacco, &c., would be reduced to the standard which prevailed previous to the union, or that the surplus revenue of Ireland would be applied to the promotion of local improvements. \* \* \* \*

“Not only did Ireland lose by the union the advantages resulting from the residence and expenditure of a large portion of

the wealthiest classes, but the drain upon her resources has been still further augmented by the gradual abstraction of all her public establishments. Upon grounds of economy and general policy, I am far from objecting to any consolidation of the public departments which may be attended with diminution of expense, and greater uniformity and vigour of administration; but, in withdrawing from Ireland the various fiscal establishments which existed previous to the union, an attempt ought to have been made to compensate, in some other manner, the pecuniary loss sustained by such withdrawal. Many opportunities of making such compensation have been neglected. As an instance, let us see how parliament has dealt with Ireland in regard to the naval expenditure of the united kingdom. None of the harbours of England can rival those which we possess. How advantageously some of them are situated for naval expeditions is proved by the recent rendezvous at Cork, of a fleet destined for some peculiar service, which appears to have a reference to the affairs of the Peninsula; yet there does not exist in Ireland a single naval dock-yard. In this country there are nine, namely, Deptford, Woolwich, Chatham, Sheerness, Portsmouth, Plymouth, Pembroke, Deal, North Yarmouth. In Ireland there is only a small victualling establishment at Cork. \* \* \* \* \*

“I have carefully examined the navy estimates for the current year, 1843—4, and I find, out of a gross expenditure of £6,579,960, not more than £10,000 will be expended in Ireland, exclusive of the small amount of provisions now purchased there. \* \* \* I find, by a parliamentary paper which was laid on the table during the session of 1842, No. 305, that the balance of remittances between the exchequers of the two kingdoms, for a specific period, stands as follows:—

Remitted from the Irish Exchequer to the British Exchequer, between 1795, and 5th January, 1842.....	£25,995,453
Remitted from the British Exchequer to the Irish, during the same period.....	8,311,274
	<hr/>
Balance remitted from the Irish to the British Exchequer....	17,664,179

“In order to show that the causes which have produced this result are still in operation, I may mention that of the above amount of £25,995,453, the portion remitted from the Irish to

the British exchequer during the nine years ending 5th January 1842, was.....	£6,355,000
Whilst during the same period there was remitted from the British to the Irish Exchequer, only.....	80,000
	<hr/>
Balance of remittance from the Irish to the British Exchequer,	6,275,000
Being upon an average an annual remittance of about.....	700,000

“ Now, those who speak for repeal of the Union, believe, that instead of such an annual tribute being sent out of their country, the supplies voted by an Irish parliament would be expended in Ireland by Irishmen, for the benefit of Ireland. \* \* \*

“ The next great legislative measure, by which the interests of Ireland have been affected, was the reform act. It will be admitted, the reform bill could not have been carried, if it had not been supported by the votes of a majority of the Irish representatives; yet in the adjustment of the representation, the claims of Ireland were overlooked. Previously to the reform act, both Ireland and Scotland had reason to complain that they were not represented adequately, in proportion to their population and resources, in comparison with England; but Scotland had less reason to complain than Ireland; yet Scotland obtained an addition of eight members, whilst only five were given to Ireland. \* \* \*

“ The detail of the injustice which Ireland has suffered, in reference to its representation, is even more striking than the general view here presented. The corrupt borough of Harwich, with its population of 3,829 persons, together with the nomination borough of Ripon, possess as much influence in the legislature as the county of Tipperary (including the members for Cashel and Clonmel), with its population of 435,553, and its rental of £886,439. Again, compare the representation of Dorsetshire with that of the county of Galway. The area of Dorsetshire is 627,220 acres; its real property assessed to poor rate in 1841, £735,234; its population in 1841, 174,743 persons; the number of its members—county 3, Bridport 2, Dorchester 2, Poole 2, Lyme Regis 1, Shaftesbury 1, Wareham 1, Weymouth 2—total 14. The area of Galway is—county 1,485,533 acres, town 25,059 acres—total 1,510,592 acres; the rental, as estimated by Griffiths—county £850,000; town (excluding the value of the houses) £18,894—total rental £868,894; and if the value of the houses be included, not less than £900,000 per annum. The



population in 1841 was—county 422,923; town 17,275—total 440,198; county members 2, town ditto 2—total members 4. In each of the particulars of area, rental, and population, Galway greatly exceeds Dorsetshire; yet Dorsetshire has 14 representatives, while Galway enjoys only 4. \* \* \* \* \*

“If the number of our representatives is inadequate, not less so is the constituency by whom they are elected. \* \* \*

“The population of Ireland in 1841 was 8,175,238 persons. The number of electors registered between the 1st of February, 1835, and the 1st of February, 1843, was as follows:—Counties 63,389; cities 27,091; boroughs 19,465;—total 109,945; being less, by 14,332, than the number registered during the five years previous to the 1st of February, 1837. But, inasmuch as this registry extends over a period of eight years, a large deduction, probably not less than one-third, ought to be made for double registries, deaths, and expiration of title. After these deductions have been made, the actual number of persons qualified to vote, cannot be assumed to be more than 80,000, or say *one per cent.* on the population. If property be regarded as the legitimate basis of the franchise, the number of electors is almost equally inadequate in reference to this test. Assuming the rental of Ireland to be £15,000,000 per annum, which is not far from the truth, there would not be more than one elector for every £187 10s. of rental. Now, in the first year, after the Reform Act, the proportion of electors to population in England was, in counties, as 1 to 24, and in boroughs and cities as 1 to 17. The number of electors in England has since that time considerably increased: in Ireland the constituency is yearly diminishing. So much for the general views. Now look to the detail. Assuming, first, that the parliamentary franchise ought to be commensurate with population, let us compare the number of electors in two counties of Ireland and England in which the population is nearly the same—Mayo and Lincolnshire. In Mayo, which has only two representatives, the population in 1841 was 388,887 persons. The number of electors registered between the 1st of February, 1835, and the 1st of February, 1843, was 1494. This number is subject to a deduction of say one-third for double registries, deaths, and loss of title. In Lincolnshire, which is represented by 11 members, the population was in 1841, 362,717 persons;

the number of electors qualified to vote in 1840 was—county electors 18,876 ; town ditto 3999—total 22,875. But, if it be said that the franchise ought not to be proportionate to the population, but to property, let us compare two counties in regard to rateable property. In Meath the population amounted, in 1841, to 183,828 persons ; the rateable rental, according to the townland valuation, which is much below the actual rent, to £527,593 ; the number of electors registered between the 1st of February, 1835, and 1st of February, 1843, 1481, subject to deduction for double registries, deaths, and loss of qualification.

“In Westmoreland, the population was, in 1841, 56,469 persons ; the real property rated to poor rate in 1841 was £266,335 ; the number of electors qualified to vote in 1840 was—county 4,480 ; town (Kendal) 351,—total 4831. Now, if Meath had a constituency as large as that of Westmoreland, in proportion to the real property of each county, Meath would have about 9000 electors, instead of 1481 upon the registry, of whom, probably, not more than 1000 are qualified to vote. \* \* \* \*

“In considering the constitutional representation of Ireland, in the imperial legislature, I must not altogether omit to notice the injustice which was inflicted on the nobility of Ireland by the terms of the union. The equivalent given to the Irish house of peers, in compensation for their extinction as a separate branch of the Irish parliament, was the introduction into the British house of lords of only twenty-eight representative peers. The position of the Irish nobility is marked by a degrading inferiority. The Irish peerage is a sort of hybrid dignity. An Irish lord is something between a peer and a commoner, without the faculties of either. He is excluded from his natural place in the house of lords, and yet cannot exercise many of the privileges of a commoner. He cannot sit on grand juries ; he cannot vote at elections ; he cannot sit in the house of commons as the representative of an Irish constituency. \* \* \* \*

“The next Irish question to which the attention of parliament was directed, was that of the Irish church. As no redress has yet been afforded with reference to this grievance, I am compelled to dwell on this topic at more length. Let me first state the relative numbers of the several religious communities existing in

Ireland, as ascertained in 1834, by the commissioners of public instruction :

Members of the Established Church,	...	...	...	...	852,064
Presbyterians,	...	...	...	...	642,356
Other dissenters,	...	...	...	...	21,808
Roman Catholics,	...	...	...	...	6,427,712
					<hr/> 7,943,940

“ Now I would ask any man of common sense, on either side of the house, whether it is possible that any nation could be contented with an ecclesiastical system which provides a religious establishment for the church of so small a minority of the people, whilst the remainder of the population are excluded from similar advantages. \* \* \* \* \*

“ Next in the catalogue of Irish measures, is the act of reform of the municipal corporations.

“ How was it treated by the British parliament? when you passed, with the concurrence of both sides of the house, a measure of corporate reform for England, it seemed to be a natural consequence that you should extend to Ireland a similar enactment. Instead of doing so, you refused for two years your assent to anything beyond the extinction of the former corporations. On what grounds? Simply because the people of Ireland professed the Roman Catholic faith. If there had been any doubt about your motives, these doubts were removed by the declaration of the person whom you have since made lord chancellor of England. He told the people of Ireland that they were not to enjoy the benefit of municipal institutions, because they were ‘ aliens in blood, in language, in religion’. At length you found that your party interests would be injured if you persisted in resistance to the reform of our municipalities: you therefore consented to subject the corporations of Ireland to popular controul; but you contrived to embarrass the measure with a series of harrassing restrictions, apparently with no other view than that of rendering it nugatory. \* \* \* \* \*

“ The last specimen of British legislation for Ireland, is the arms bill, resistance to which has occupied so much of that time which ought to have been bestowed on the consideration of remedial measures. The conduct of the present ministry with regard to



this bill, has been most offensive to the Irish people. They have collected together all the unconstitutional clauses of former arms bills, which having been enacted during periods of insurrection, had become obsolete, after the emergency, which justified their original introduction, had passed away. They have called upon us, not only to give to these obnoxious clauses a new sanction by their formal re-enactment; but they even propose to render them still more harsh and oppressive. In vain do the Irish members who represent the wishes of the great body of the nation, remonstrate against this proceeding. Their voice is altogether unheeded, and this odious law is to be forced by English majorities upon a reluctant nation. How can you blame the Irish people for seeking to abstract themselves from a system of legislation which is thus regardless of their representations and remonstrances?''\*

\* Speech of William Smith O'Brien, Esq., L.R.A. Report, Dublin.

## CHAPTER XXIII.

THE 1st of January, 1801, the act of union came into effect: Ireland ceased to be a nation, it became a province of England. The two questions which I started with propounding, the reader is now in a condition to answer:—Was Ireland entitled, by the terms of her original federal compact with England, to an independent legislature? Was Ireland wrongfully deprived of her parliament? If these questions be answered in the affirmative, the restitution of a nation's right, wrongfully taken away, is an obligation that cannot be set aside by any efforts of sophistry. The same English parliament that made an unjust law to abolish the Irish legislature, is competent surely to enact a just law to restore it. It is no part of the duty of Irishmen, at the present period to expend their time and talents in devising schemes, that may be supposed to be more consonant to the wishes of the people of England, than the simple project of the repeal of the act of union of 1800. The people of Ireland have no right to ask more than was obtained in 1782, or to be satisfied with less, in addition to that boon, (and such guarantees as are requisite for its security) than was conferred on the people of England by the reform act. They should require better securities for their liberties than Mr. Grattan was contented with in 1782; they may enter into a treaty of commerce with England, founded on just and liberal principles; they may consent, by treaty, in consideration of commercial advantages, equal to those of England, to contribute to the expenses of the defence of the empire and of its trade, in some ratio to be determined by the proportionate value of Irish trade to that of England; they may stipulate likewise by treaty for the military defence of their own country, and engage to defray the expense of it: and lastly, they may come to an

agreement with the imperial government, to levy no additional duty to that which is now imposed on any article of English importation, unless a corresponding augmentation of duty is made in England, on its exported commodities and manufactures for the Irish market. All matters of imperial policy, involving questions of peace or war, of succession to the throne, the restriction or extension of the powers of a regency, it would be advisable to leave to the determination of the imperial parliament, reserving the right however, of confirming all such acts in the Irish parliament, as directly or remotely might affect Irish interests, but relinquishing any claim to originate measures in reference to such imperial objects. One of the most important and difficult questions, that would require an adjustment previous to any other parliamentary arrangement, would be the settlement of the financial differences which have been created by the violation of the articles of the union respecting the debt of Ireland, and especially by the consolidation of the exchequers in 1817. These differences should be the special subject of early negotiation between the Irish leaders and the English government, and some well defined general basis established, for future parliamentary arrangements. In such arrangements, care should be taken by the explicitness of the terms of agreement, that any advantages acquired, should not be frittered away; and, profiting by the lesson of 1782, that in legislation, nothing should be lost that was gained in negotiation.

The principles of the reform bill applied to the constitution of 1782 would suffice to make the house of commons efficient, and to some extent a popular assembly, in which liberal whig politics, after a short time, nevertheless, might be expected to preponderate. But whether the Irish commons, constituted as it would be, might afford a more extended base for real representation, or a wider field for the exercise of democratic influence, than the present English commons, with an extended franchise, is a matter of much doubt. In 1793 the elective franchise was given to the Irish forty-shilling freeholders. In 1829 it was taken from them, and it is not likely to be restored. The apprehension of unsettling the relief bill, guarantees, at least for some years, the continuance of the restrictions on the Irish franchise.

The great question of transcendent importance is, whether an



English parliament, or an Irish one, restored to the powers of 1782, would afford the best means of remedying the giant evil, the overwhelming grievance, *the landlord tyranny that produces the monster misery of Ireland, the murderous destitution of the peasantry?*

Any other advantage, gain, or glory, compared with the power of remedying this evil, sought from the restoration of an Irish parliament, is of small moment. Yet the question has not received all that attention which it deserves. It has not been sufficiently discussed by any class of politicians,—by whigs, radicals, or repealers. Tories, of course, are out of consideration, as it is only landlord interests and landlord questions which have claims on them. Were the reformed English parliament not a landlord house, but one that existed for the nation's good,—in one word, were the franchise largely extended, and its exercise duly protected, landed property would be taught its duties, and shorn of many of its usurped, political, and social powers and privileges, the people's condition would necessarily be improved. This would unquestionably be the case in England; but would it be so in Ireland? Would any important change come over the spirit of the English nation, naturally proud of its imperial greatness, and, like all great nations aggrandized by the spoils of others, unreasonably jealous of the power and prosperity of its neighbours, and ungenerously inimical to the interests of all people dependent on it?

This is the natural consequence of great territorial acquisitions made or maintained by violence, fraud, and injustice. This assertion demands more attention than can be given to it in this place.

But would the people of Ireland, the predial classes, have more chance of justice at the hands of an Irish parliament, constituted on the old basis, but modified by the additional benefits of the English reform bill? This question ought to be answered honestly and truthfully, without regard to any consequences that may ensue from its solution. No other effectual barrier can ever be set up against the encroachments of British power, and the sly, insidious steps of its parliamentary usurpation, than a strong infusion of democratic spirit, in the assemblage of the three hundred members of the Irish parliament.

An Irish parliament, immediately chosen after the success of the repeal movement, would have returned to it a large majority of members truly representing the nation's mind on the subject of repeal. Many would be borne on its stream when its course was smooth, and the troubled waters of agitation ceased to perplex the minds of country gentlemen, when the principal figures in the fore-ground of the battle scenes in parliament, became familiar objects, and their merits common subjects of discussion, and their well-earned honours common objects of envy. In times of suspended action, or of permanent repose, other feelings would supervene,—other jealousies would grow up,—other interests would arise,—other men would push the old leaders from their stools, and there would be no hope for vigour, or the virtue of that body, except in the infusion of new streams of life, fresh from the democracy, into the veins of the constitution.

The democratic influence in the house of commons is the only flood-gate that could be opposed to the torrent of corruption that might be expected to set in from England. The mode of ruling Ireland in England, for English interests, by means of an English influence in the Irish legislature, in the government, in the army, the church, and on the bench, there can be little doubt would be again resorted to; and no barrier but that of the rude strength and staunch integrity of the democracy, largely blended with the national representation, could long avail, against the constant efforts of foreign jealousy and animosity, against our institutions, on the part of a people, who, in their conduct towards other nations, realize the strangest anomaly that can possibly be conceived; they glory in the freedom of their own country; but they can never look on liberty abroad except with feelings of hostility to it, and especially to that degree of liberty under representative government which most nearly resembles the boasted freedom of their own constitution. This is a strange circumstance; but one, nevertheless, that is no less true than strange.

There is a curious passage in a pamphlet entitled, "A letter from a right honorable (gentleman,) to the Rev. Mr. Gast," in 1755, in reference to the dangers the parliament was exposed to from English corruption:—"You talk as if a country could not be undone by men who have a property in it. *Have not the grand projectors against every kingdom's liberties in every age been men*

*of the first rank and wealth in it?* Do you seriously imagine that there could be no way found, to secure some individuals in affluence unbounded, amidst a ruined beggared people? This is far from a paradox, it is a necessary consequence. For when a people's privileges and properties are betrayed into bondage, the instruments must not only be rewarded, but, of necessity, continued in extensive share of dominion to keep down the struggling spirit of the people. \* \* \* Will you confide in such men because of their property? Or will you not think it possible that some compacts may have been formed, to preserve, or to aggrandize, them amidst the general ruin? You know these men can never rise but by *extra-national* assistance, and will this be given them without an assurance of their effecting a desired scheme?"

I am well aware the great fear entertained of the effects of a repeal of the union, is that which arises from the apprehensions that seem generally to prevail that the repeal of the union would bring a desperate democratic body of men into parliament, who, having no property in the country, would have no dread, consequently, of anarchy, violence, or confusion. The propounders of these opinions take it for granted, that all virtue emanates from property, and especially property in land; that industry has no stake in the soil, and gives no "hostages to fortune," when it gives subjects and citizens to the state, and contracts obligations for their support, education, and worldly advancement. A man, however, who has a vast quantity of land laid out in pasture, who is distinguished as a sportsman, and administers the law indifferently at quarter sessions, this man, no matter what his intellects or his principles may be, is deemed a fit man to deal with the nation's interests in parliament. The writer I have just quoted, says, the syllogistic mode of argument is adopted by these reasoners,—“All that is valuable in our country is the soil and the game. The graziers preserve the first, the fox-hunters the second. Ergo, graziers and fox-hunters have the whole country in a state of preservation, and are the fittest men to govern the state.”

There is no reason to believe that the democracy is less just and upright in relation to the rights and privileges of their fellow-countrymen of all classes, than the oligarchy, or aristocracy, which governs the government of Great Britain.



Federalism, as explained by Mr. O'Connell, means more than some of its advocates understand by that theory.

The following explanation of Mr. O'Connell's meaning of it, was given in a letter of his to the Repeal Association, the 8th of November, 1844.

“Simple Repeal, I take it, consists in this:—*First*, on the preservation of the connexion between Great Britain and Ireland, through the means of a sole executive and the golden link of the crown. *Secondly*, in the repeal of the union statute, 50th George III., chapter 47. *Thirdly*, in the restoration of the Irish house of lords in all its integrity. *Fourthly*, in the re-construction, (upon reform principles,) of the Irish house of commons, consisting of three hundred members, distributed upon the basis of population, that being the basis adopted by the English reform bill. *Fifthly*, that the restored Irish parliament should have all the powers which were vested in the Irish parliament before the union; that is to say, complete legislative and judicial authority in Ireland.

“I think it right to state my thorough conviction, as well as my perfect determination, that we should never consent to receive less for Ireland than what is contained in these five propositions; this would be giving Ireland to the Irish; but it would give them no further share in the advantages of British connexion. It will, however, amply content me, because the Irish parliament would have in itself, inherent means of opposing the abuse, by Great Britain, of the powers which are vested in the British crown, and in which the late Irish parliament had no share.

“I repeat, thus much I require for Ireland,—complete legislative and judicial authority, vested in the crown and the restored Irish houses of lords and commons. It never entered into my mind to accept of less, and it never can.

“It may be right here to remind the Irish people of a fact, that there were seventy nomination boroughs in Ireland before the union. All these would have been swept away at the time of the reform bill in England, if Ireland then had had her own parliament. They will, of course, be considered as annihilated, and so much of the union statute as sweeps them away, would be re-enacted by the act repealing the union statute *itself*.”

Federalism, as expounded, or purported to be expounded, in Mr. Sharman Crawford's recent letters to the editor of the *Freeman's Journal*, would appear to have very little in common with the Federalism described by Mr. O'Connell, as the following passages from Mr. Crawford's letters will plainly show:—

“I shall as a preliminary step, refer to the practical evils which have arisen, and which, it may be apprehended, will hereafter occur, from the existing state of the connexion between Great Britain and Ireland; I shall class them under the following heads:—

“1st.—Violation and insecurity of civil rights.

“2nd.—Imperfect and ignorant legislation regarding our local institutions and financial capabilities.

“3rd.—The danger and the probability of an assimilation of taxation.

“4th.—Expenses and difficulties in seeking and obtaining acts for improvement.

“5th.—Insufficiency of aid from the state, for public works in Ireland.

“6th.—Evils of centralization, and probable increase of them.

“7th.—Inadequacy of the Irish representation in the imperial parliament to express the wants and feelings of the people of Ireland.

“8th.—Inadequacy of the Imperial parliament to do the work required under the present system of parliamentary business.

“9th.—Difference of circumstances between England and Ireland rendering assimilation impracticable and inexpedient.

“10th.—Proofs of the foregoing from the present condition of Ireland.

“11th—Present danger to the connexion of the two countries.”

The first position, which is the ground-work of the argument, and which alone it would be sufficient to sustain, is illustrated in the following terms:—

“There is no security for civil rights. The union was based on the theory of identification, but that identification was not provided for by the act of union,—that identification does not exist—that identification cannot exist between countries whose circumstances are in every respect so dissimilar as those of England and Ireland. From this cause separate legislation became necessary;

and how were we treated? Just as every country must expect to be treated, and I will say, *deserves to be treated*, who places the power of separate legislation in the hands of the representatives of another country. By the means of an English majority in the imperial parliament, the two great measures for the advancement of popular liberty,—the parliamentary reform act and the corporation reform act,—were curtailed in all their important provisions when framed for Ireland, and the rights of the people of Ireland have been incessantly violated by a succession of arbitrary and unconstitutional laws, passed on various occasions since the union by the same power.” \* \* \* \* \*

“I wish now to show that the demand so made is not only just and right in itself, but in accordance with the principles and general practice of the British constitution, as applied to the several portions of the empire, where separate governments or separate establishments of any kind are required. I may refer, as proofs to my assertion, to the local legislatures of Canada, Jamaica, Nova Scotia, New Brunswick, the Bermudas, Newfoundland, Prince Edward’s Island, &c. Eastern India is the only important exception—an exception which cannot probably long continue. I am warranted, therefore, in the assertion, that local representation is the principle of British rule, and that the connexion established with Ireland by the act of union was and is an exception to this rule, an anomaly which cannot be justified either by the theory or the practice of the British constitution.

“As I deem it of great importance, to show that the claim of local legislation now put forward by Ireland is not an innovation on the British constitution, I shall devote this section to a review of the powers conferred by England in the constitutions she has granted to her provinces; and as a sample I shall give an analysis of the act for the construction of the legislature of the united provinces of Upper and Lower Canada, 3rd and 4th Victoria, chapter 35.

“The preamble states that “it is necessary that provision be made for the good government of the provinces of Upper and Lower Canada, in such manner as may secure *the rights and liberties, and promote the interests of all portions of her Majesty’s subjects within the same.*” This is distinctly what I demand for Ireland.



“The 3rd section declares, that the legislature of Canada shall consist of two houses, to be called a Legislative Council and House of Assembly ; and that these two houses, with the assent of her Majesty, *shall have power to make all such laws as may be necessary for the peace, welfare, and good government of Canada,* subject to the exceptions and regulations in this act contained, &c.                   \*                   \*                   \*                   \*                   \*                   \*                   \*                   \*

“The 42nd clause regards the power of the local legislature in making laws, and provides safeguards against partial or unwise legislation on certain particular matters. It provides as follows :—

““That whenever any bill or bills shall be passed by the houses of parliament in Canada, containing any provisions to vary or repeal certain acts therein stated, or which shall contain any provisions which shall in any manner, relate to or affect, the enjoyment or exercise of, any form or mode of religious worship, or shall impose or create any penalties, burdens, disabilities, or disqualifications, in respect of the same, or relate to other matters regarding religious worship, every such bill or bills shall, previously to any declaration or signification of her Majesty’s assent thereto, be laid before both houses of parliament of the united kingdom of Great Britain and Ireland ; and it shall not be lawful for her Majesty to signify her royal assent until thirty days after the same shall have been laid before the same houses, or to assent to any such bill or bills in case either house of parliament shall, within the said thirty days, address her Majesty, to withhold her assent therefrom.’

“The 43rd clause regards the power of taxation. It recites an act passed in the 15th George III., chap. 12, which declared that the king and parliament of Great Britain would not impose any duty, tax, or assessment whatever, payable in any of his majesty’s colonies, &c., except only such duties as it might be expedient to impose for the regulation of commerce, *the net produce of such duties to be always paid and applied to, and for the use of, the portion of the empire in which the same shall be respectively levied,* in such manner as other duties collected by the authority of the respective general courts or general assemblies were ordinarily paid and applied. The clause then goes on to establish these provisions—to retain in the imperial parliament the right to impose such duties as may be necessary, for the regulation of

navigation and commerce ; but provides *that the produce of all such duties levied within the province, shall be at the disposal of the local legislature, by and with the assent of her Majesty.*

“The act then proceeds to make provisions with regard to the courts of law, the power of the governor, and other matters locally affecting the concerns of the colony.

“Such are the important powers vested by this act in the local legislature of Canada ; they are no innovation on the constitution, because we find the same power given by an act so far back as the thirty-first year of the reign of George III. (1790), which act is referred to in the act from which these extracts are taken.

“My object in quoting this act for the constitution of the local legislature of Canada is to clear away, by practical demonstrations, the objection of those who say that the power of local and imperial legislations cannot be defined ; they are defined and acted on in the various colonial possessions of England, on which local legislatures are conferred. \* \* \* \* \*

“For reasons I have often before stated, it appears to me indispensable for the permanence of the connexion, and the safe dealing with the various interests concerned, that if a local legislature be established in Ireland, an imperial control should be yielded to imperial legislature with regard to certain classes of measures. And if such control be given, Ireland ought to have a representation in the body to which that control is permitted. And if Ireland be so represented, I think it can be effected by such an arrangement of parliamentary business as will not do violence to the existing constitution of the empire. But the object I have first and mainly in view is to show the right of Ireland to local legislation, and the justness and practicability of her demand.” \* \* \* \* \*

The third letter of Mr. Crawford gives the details of his plan, which are in fact nothing more than the application of the principles of the Canadian and West Indian legislatures, to the proposed measure of an Irish local house of assembly and council. The working of those *umbræ* of parliaments, in the colonies, is not very favourable to Mr. Crawford’s recommendations of the adoption of the shadow of a shade of an independent legislature similar to that which exists in Jamaica and the Canadas. It surely must have escaped Mr. Crawford’s attention, that the

West India legislatures, whenever they ceased to be subservient to the Governors, and the Councils, the majority of whose members are either appointed by the former, or, in virtue of government offices, are councillors in right of such appointments, the practice of "The King's House" in each colony, has ever been to foment divisions in the house of assembly, to gain over a sufficient number of refractory members "to do the king's business," and this object has been usually effected, either by cajoling or corruption, by facilitating a job, bestowing a place, or overwhelming with "King's House" favour, the wives and daughters of intractable opponents in the assembly, at balls and banquets, during the stormy period of a session. And on some great occasions, when such efforts have failed, Mr. Crawford cannot forget, that designs have been entertained by the government of the mother country, of curtailing their privileges, already sufficiently restricted, for no act passed in the West India legislatures has the force of law, if it be at variance with any imperial statute; and the fact is sufficiently recent for remembrance, that a measure was proposed to parliament, by the late ministry, for suspending for a term of years, the functions of the House of Assembly of Jamaica. Mr. Crawford surely cannot forget, that the squabbles between the legislatures of Canada and the governors, (squabbles inseparable from the constitution of those Assemblies, and the pretensions of governors to interfere with their privileges, and the instructions of governors to control their proceedings,) have been the occasion of rebellion in those provinces. Rather than a legislature on the model of those of the West Indies and the Canadas should be given to Ireland, most fervently does the author pray, that her eight millions of inhabitants should continue to be dragged at the tail of another country, without a parliament of her own. Perhaps he may know more than Mr. Crawford does, or can do, of the unsuccessful working of those local legislatures of Canada, Jamaica, &c."



## CHAPTER XXIV.

THE triumph of the Repeal cause might be hoped from its justice. So might that of Poland be hoped for, even against hope, when the gallant people of that ill-fated country were contending against the power of the Autocrat of all the Russias. So might that of Portugal be hoped for, when the most powerful monarch of the universe made war on its independence. But the ways of Providence are beyond our wisdom to comprehend; and the very triumphs of injustice,—which seem complete, and of permanent advantage to the victor,—in the guiding hands of Him, with whom (in our inadequate powers of expression) “ten thousand years are as one day,”—turn out to be the scourges of ambition—the remote but efficient causes of the ruin of ill-used power.

The triumph of the Repeal cause, it would be too much to hope for from the justice or generosity of Great Britain, in the times which blind nations with respect to their true interests—when prosperity betrays their judgments—when the successes of injustice lift up their proud hearts, and lead them to think their power is supreme, secure, and irresistible. But there is no power superior to that of Providence, and no elevation of political influence so exalted as to be secure against reverses, that in a single year may undo the work of ages, and make the triumphs of a hundred well-fought fields cede to the unforeseen combinations of events which a single season may bring forth.

The triumph of the Repeal cause, in all human probability, is destined to be achieved. “A country of eight millions of inhabitants is not destined to be dragged long at the tail of another!”

But in the aspect of the affairs of Great Britain and of Europe, at the present moment, no man can state that Repeal is immediately to be obtained,—that the struggle for it has not to be continued for another year, and may not have to be continued for two or three, or even four years. But whoever calmly and attentively considers the state of commercial affairs in England,—of her commercial relations with foreign countries,—the nature of the influence which is predominant in the Peninsula,—the drift of the policy which is pursued on the Continent,—the progress of native manufactures in America, in France, in Germany, in Holland, in Belgium, in Switzerland,—the precarious tenure of the Chinese market,—of the territorial acquisitions newly wrested from the natives of India; and above all, the state of the labouring population of England, the up-heavings of society, from the lowest strata to the surface, gradually, but obviously, thinning the crust at each ebullition and expansion of its inflammable and inflamed materials: whoever considers deeply this state of things, and believes that England is not likely to be, within the five ensuing years, bound in penalties to an amount equal to her debt, not only to keep the peace in her own possessions, but to do justice, ample justice, to the inhabitants of them, comes to a conclusion which few thinking men in England, in or out of office, will concur in. “The power of England is supported by her wealth; and as that wealth is accumulated by commerce, and as her trade with Ireland is now a principle (rather a very large) part of that commerce, Ireland may be said to hold the key of such a proportion of her wealth, as the trade of Ireland bears to the universal trade.”\*

It requires, however, a strong faith in the repeal cause to believe in its success, when one sees the old policy of its enemies, and those of the Irish parliament nearly half a century ago, once more brought into operation;—when divisions are sown in the repeal soil, and the bitter fruits of dissension begin to show themselves here and there in the shape of anonymous reprehension, of angry expostulation, dubious counsels, unworthy imputations, and necessitated defences, not of the cause, but of its trusty advocates.

\* Letters of Causidicus, No. 12. Dublin, 1779.

It needs a strong faith in the patriotism and virtue of the Irish priesthood, to be fully convinced of the failure of all efforts to divide its body, to deprive the public cause of the energies of any portion of its members, when one sees an insidious measure affecting the interests of their religion, flung into their ranks like a torch lighted at both ends—a flaming brand of discord. But the faith cannot easily be shaken that is founded in the deep conviction of an entire people's settled purpose,—in the justice of its unbounded confidence,—in the representation of all its feelings, wants, and wishes by the great advocate of civil and religious liberty,—in the devotion to all its interests, of a hierarchy and clergy untrammelled with state connexion,—in the utility and integrity of its press and national association, served by the best energies and talents of the young men of Ireland. Nor should the exertions of the latter be relaxed by passing difficulties, or any efforts that covert treachery, or undisguised hostility can make to bewilder or to break down public opinion.

The eloquent Drennan, in his letters signed “Orellana, or the Irish Helot,” published in 1785, addressing himself to the young men of Ireland, and urging them on “to the final accomplishment of their glorious purpose, by centering, and condensing the will of a whole people into one great assembly,” says, “I address myself to you with warmth and with emphasis. The spirit of national reform, like the spirit of youth, must be active, ardent, progressive, impassioned, enterprising, enthusiastic. Advanced age is a heavy, inactive, procrastinating disposition which always (no, not always) acts on the defensive, and wishes, like Fabius, to conquer by delay. The genius of reform must be attended with a certain gallantry of soul which pushes forward in the field of virtuous glory. It is this gallantry of soul, like the white plume on the helmet of Henry IV. of France, always seen in motion among the thickest of the enemy, which will inspire those who follow with confidence, and those who oppose you with despair.

\* \* \* \* \* “You are not yet benumbed with the trembling caution and commercial selfishness of the aged. The corrupted part of the globe has not yet contaminated the native honesty of your hearts. \* \* \* \*

\* \* \* \* \* “Your unadulterated spirit has all



the raciness of generous and genuine growth, and tastes of the flavour of the soil.”\*

Chief Baron Wolfe, at the expiration of more than half a century, in language which the “*Nation*” has aptly appropriated for its motto, expressed himself in nearly similar terms, recommending his countrymen “to create and foster public opinion in Ireland, and to make it racy of the soil.”

The object of both was nationality—the means of serving it the same;—the energies of the young, the generous, the genial friends and lovers of liberty throughout the land. But all the glory that is connected with this object, and the bright hopes that are founded on the agency that is employed for its attainment, can only be consummated by an entire reliance on the truth and wisdom of that admirable saying—“*the ends of war may be attained by the instruments of peace.*”

But while this doctrine is taught, preached, and practised by all thinking men, it would be a folly to shut our eyes to facts that cannot be denied, namely, that the majority of mankind are less influenced by the lessons of philosophy, than by considerations of the ripeness or immaturity of any opportunity that presents a prospect, or possibility that appears of recovering the rights which they have lost, and have set their hearts on regaining.

“I pray it may be considered,” says Molyneux, “whether any men obey longer than they are forced to it; and whether they will not free themselves from this force as soon as they can. ’Tis impossible to hinder men from desiring to free themselves from uneasiness; ’tis a principle of nature, and cannot be eradicated. If submitting to an inconvenience be a less evil than endeavouring to throw it off, men will submit. But if the inconvenience grow upon them, and be greater than the hazard of getting rid of it, men will offer at putting it by, let the statesman or divine say what they can.

“But I will yet go a little further, and venture to assert, that the right of being subject only to such laws, to which men give their own consent, is so inherent to all mankind, and founded on such immutable laws of nature and reason, that it is not to be

\* Letters of Orellana, No. 4. Dublin, 1785.



an epitome of union history, its origin, its consequences, and its crimes. His words are—"I forget for a moment the unprincipled means by which the union has been promoted, and I look on it simply as England reclaiming, in a moment of our weakness, that dominion which we extorted from her in a moment of our virtue—a dominion which she uniformly abused, which invariably oppressed and impoverished us, and from the extortion of which we date all our prosperity."

END OF ESSAY.



APPENDIX.

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PRIVY COUNCIL CORRESPONDENCE,

DURING GREAT PART OF THE YEARS

1811, 1812, 1816, 1817.



RETURN OF THE NAMES OF LORDS LIEUTENANTS, LORDS JUSTICES, AND CHIEF SECRETARIES OF IRELAND; 1801—1821.

*A Return of the Names of the several Lords Lieutenants and Chief Secretaries of Ireland, appointed since the Union, with the dates of their appointments :—*

LORDS LIEUTENANTS.		DATE OF APPOINTMENT.
Philip, Earl of Hardwicke	- - -	25th May, - 1801.
John, Duke of Bedford	- - -	28th March, - 1806.
Charles, Duke of Richmond	- - -	19th April, - 1807.
Charles, Viscount Whitworth	- - -	26th August, - 1813.
Charles, Earl Talbot	- - -	9th October - 1817.
His Excellency, the Marquis Wellesley, K.G.	- - -	29th December, 1821.
CHIEF SECRETARIES.		
Right Honorable Charles Abbot	- - -	25th May, - 1801.
— — William Wickham	- - -	13th February, - 1802.
— — Sir Evan Nepean, Bart.	- - -	6th February, - 1804.
— — Nicholas Vansittart	- - -	23rd March, - 1805.
— — Charles Long	- - -	21st September, 1805.
— — William Elliot	- - -	28th March, - 1806.
— — Sir Arthur Wellesley, K.G.	- - -	19th April, - 1807.
— — Robert Dundas	- - -	13th April, - 1809.
— — William W. Pole	- - -	18th October, - 1809.
— — Robert Peel	- - -	4th August, - 1812.
— — Charles Grant	- - -	3rd August, - 1818.
— — Henry Goulburn	- - -	29th December, 1821.

W. BLACKER, D. Vice-Treasurer.

Vice Treasurer's office, Dublin Castle, 20th March, 1827.

N.B.—The appointments of the Lords Justices were not notified to this office.

ROLLS OFFICE, IRELAND.

*A Return of the names of the several Lords Lieutenants, Lords Justices, and Chief Secretaries of Ireland, appointed since the Union, with the dates of their Appointments, appearing inrolled in the Rolls office of his Majesty's High Court of Chancery in Ireland :—*

PHILIP, EARL HARDWICKE, Lieutenant General and Governor General of Ireland; appointment dated at Westminster, 27th April, in the forty-first year of the reign of George III.

The Right Honourable CHARLES ABBOT, Principal Secretary of State; appointment dated 19th June, in the forty-first year of the reign of George III.

JOHN, DUKE OF BEDFORD, Lieutenant General and General Governor of Ireland; appointment dated at Westminster, 12th March, in the forty-sixth year of the reign of George III.

CHARLES, DUKE OF RICHMOND, Lieutenant General and General Governor of Ireland; appointment dated at Westminster, 11th April, in the forty-seventh year of the reign of George III.

CHARLES, VISCOUNT WHITWORTH, Lieutenant General and General Governor of Ireland; appointment dated at Westminster, 23rd June, in the fifty-third year of the reign of George III.

*Lords Justices :—*WILLIAM, Lord Archbishop of ARMAGH, Primate of all Ireland; THOMAS, BARON MANNERS, Lord High Chancellor; Sir GEORGE HEWITT, Bart., Commander of the Forces in Ireland; appointment dated 13th March, in the fifty-fifth year of the reign of George III.

CHARLES CHETWYND, EARL TALBOT, Lieutenant General and General Governor of Ireland; appointment dated at Westminster, 3rd October, in the fifty-seventh year of the reign of George III.

*Lords Justices .—*WILLIAM, Lord Archbishop of ARMAGH; THOMAS BARON MANNERS, Lord High Chancellor; and General Sir DAVID BAIRD, Commander of the Forces in Ireland; appointment dated 11th May, 1821.

RICHARD, MARQUIS WELLESLEY, Lieutenant General and General Governor of Ireland; appointment dated at Westminster, 8th December, in the second year of the reign of George IV.

J. WOGAN, Deputy Keeper of the Rolls.





# APPENDIX.

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## PRÉCIS

OF

CORRESPONDENCE WITH MAGISTRATES, &c.

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PART I.—JANUARY TO JUNE, 1811.

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29th Dec. 1810.]

FROM H. ST. GEORGE COLE, ESQ.

ANNESTOWN, CO. WATERFORD.

HE has given three guineas a piece to Edward and John Connors, and three to Flavin, for the support of the three soldiers that are protecting him; they must be fed by him, as party violence is so great against him (Flavin), they cannot go out of sight of his family. Has also given one pound to Tim Denehy, who was severely wounded by the Caravats, who supposed him a spy of Mr. Langley's. Lord Waterford sent up (he believes) his depositions. Mr. Langley thinks a few guineas more should be given to Denehy to get him to his own county (Kerry). He has promised the two Connors, one shilling and eight-pence a day each until the trial, and Flavin, one shilling a day each, for the three soldiers. Requests an order to draw for fifteen guineas, which he will account for, before he wants more. As there are vacancies for boatmen at Waterford, &c., requests one to be given to John Connors, from whom he expects much information. Lord Waterford goes to London on Tuesday, and then this side of the country will be left to Mr. Langley and him; but has no fear but that they shall enforce the laws, and bring to punishment where it is possible.

2nd Jan. 1811.]

TO H. ST. GEORGE COLE, ESQ.

ANNESTOWN, CO. WATERFORD.

ACKNOWLEDGING the receipt of his letter of the 29th ultimo, and if he will draw on Mr. Taylor for fifteen guineas, as he pro-

poses, his bill will be paid; but at the same time informed that the object, in placing money at his disposal, is, to come at information respecting unlawful meetings and acts of the depredators that infest the country, and not for charity to persons who may have suffered by their acts, unless such claim be recompensed with a disclosure of the offenders; and when any case of similar compassion occurs, he is requested to name it as a case of charity to government, who are at all times much obliged by his communications of the state of the country.

1st Jan. 1811.]

FROM SAMUEL MATHEWS, ESQ.

BONNETSTOWN, CO. KILKENNY.

ENCLOSING a copy of the examinations of a policeman of that county, who had been robbed of his arms the night preceding by a formidable gang. From the frequent attacks of that kind, shots fired, &c., in different directions through that side of the county, he is induced to think arms are concealed; and requesting to be empowered to make search in several baronies, and also the Liberties of the City of Kilkenny, for which he is also a magistrate.

1st Jan. 1811.]

FROM EDWARD HUNT, ESQ.\*

GREENVILLE, CO. WATERFORD.

ACQUAINTING, that in consequence of private information, he took out a pony of Milckney to the lands of Red Acres and Killahy, eleven miles from Waterford, on the Callan road, and in the county Kilkenny, and came up with a party of Caravats mounted, to the number of forty, just as they had attacked two houses. Was near enough to hear their attack, and see them fire. On their return, intercepted them, and ordered them, as a magistrate, to stop and deliver their arms, which they would not; when he gave orders to his party to fire, which they did. The Caravats ran in every direction, leaving one man and horse dead; owing to the darkness of the night, was prevented taking further advantage. Refers to the information he sends, for the particulars of their outrages. Was gratified by the readiness with which those who had been attacked gave their informations. So much blood was traced in different directions next morning, concludes there must have been five or six severely wounded. They are described as young men of the meanest and lowest

\* Same person as the Rev. Edward Hunt, mentioned in p. 199, and elsewhere.



class; not like farmers' boys, but rather idle and loose set, that are seen unemployed in towns, and general opinion is they are from Carrick-on-Suir. Is convinced the system is not of that alarming extent which he had for some time imagined. The farmers are not concerned; and nothing but the fear of their cabins being burned makes them submit to their repeated outrages.

2d Jan. 1811.]

FROM EDWARD COX, ESQ.

CLARA, KING'S COUNTY.

STATING, that it is the opinion of his father and himself, that there should be a party of the military stationed in the town of Clara, for the reasons that he personally stated to government on the Saturday previous: That a riotous mob of some hundreds threaten to disturb the peace, and has actually broken out and committed great depredations on each other, particularly on the last fair-day of Clara; and having but two constables in the town, it would be impossible for him to keep the peace without military, whose appearance alone would deter the rioters. If it should not be convenient to send military, he has been strongly recommended by the grand jury of the county and others to the lord lieutenant for the raising a corps of yeomen cavalry, which, if he should, would be able effectually to keep the peace.

1st Jan. 1811.]

FROM JOHN HILLAS, ESQ.

DROMORE WEST, CO. SLIGO.

ENCLOSING depositions. The money given him by government, for the reward of information, shall be cautiously used. His reasons for stating a deep conspiracy to be on foot, originates from various confidential informations, by persons to be depended on. Has kept a strict eye on the disaffected in his neighbourhood, who are equally watchful of him. The first information he placed any dependence on was from a priest, who, on a former occasion, gave most material information; but were it known, or even suspected, that he had done so, his life would be the forfeit. The robberies and outrages committed at Ballina, and in the parish of Kilglass, from whence the former rebellion extended, the taking of arms and dressing in disguise, and all the bad consequences arising from such proceeding, he (Mr. Hillas) has strongly impressed on the mind of every person in his parish. Public and nightly dances are universally practised; but he strongly recommends their total suppression.

4th Jan. 1811.]

TO JOHN HILLAS, ESQ.

DROMORE WEST, CO. SLIGO.

ACKNOWLEDGING receipt of his letter and enclosures of the 1st instant, and thanking him for the readiness he expressed to afford his aid in the preservation of the peace; and observing, that from the specimen he has given, of what the sources of his informants, relative to the state of the country, are, and their means of intelligence, it should seem, that if properly addressed, they may be made still more communicative. With respect to nightly meetings, their suppression would be very desirable, where danger is to be apprehended from them, as far as the law will allow, taking care, however, to put it in force with all the lenity consistent with the public safety.

2d Jan. 1811.]

FROM H. ST. GEORGE COLE, ESQ.

ANNESTOWN, CO. WATERFORD.

ENCLOSING informations of Pat. Hanley, stating his having been twice flogged, before he gave back his farm to his father-in-law, Maurice Fitzgerald, and who is prevented, under terror of the lash, to let his property to any person but John Fitzgerald, (his brother), who will not give near the value for it, and that Hanley now dreads another beating for mentioning one he suspected. He (Mr. Cole) has offered five guineas for the names of the Caravats, and twenty guineas to any person who would prosecute to conviction. Those who were at Hanley's house got the verbal information from one who says he was forced to be one of the party, to whom he has pledged his honor never to mention his name, and who has given him the names of the persons, but no sum of money will induce him to prosecute. Has taken John Fitzgerald on suspicion, and will make him give ample security to keep the peace—and Pat. King in the same way. Hanley would not have charged them with it, if he was not sure he was right; they are all wealthy, and in their line respectable farmers, and all allied.

The turnpike house was robbed of three pistols; and Hearne, of Kilmaire, fell in with forty mounted men, armed; told Lord Waterford the same night, but so dark and stormy, no hopes in sending a party after them. Disturbances very great near Curraghmore and Carriek; the rest of the county to Dungarvon quiet, but no less dangerous.

*5th Jan. 1811.]*

TO H. ST. GEORGE COLE, ESQ.

ANNESTOWN, CO. WATERFORD.

His letter of the 2nd instant has been received with Hanley's deposition (which is now returned), as there appear to be well founded reasons for concluding that John Fitzgerald may have been the instigator of the outrages committed against him, of which circumstance if proof could be obtained, so as to found a successful prosecution on it, a salutary example might be derived. The offers which he (Mr. Cole) has made are very reasonable, and should they lead to the end proposed, must overbalance the expense to which they may eventually give rise. Hanley should be closely pressed to tell all he knows, as it is scarcely credible that he should have so good a guess at the persons by whom he suffered, without more reasons than he chooses to own; and if no other means can obtain it, it would be desirable to see if an action of defamation might not force it from him, in the form of a plea of participation. Of the outrages enumerated, it is much wished that depositions were forwarded to government, and, whenever he has an opportunity of making known that wish, is requested to do so.

*3rd Jan. 1811.]*

FROM OLIVER LATHAM, ESQ.

KILLENAULE, CO. TIPPERARY,

ENCLOSING certificate filled up, and requesting no time to be lost in sending him the warrant to search for arms. It has been reported to him that a large assemblage of men took place the night before at Ballingaray, fired shots, and had horns blowing. Two men of the name of Hacket and Doyle have offered to give him informations relative to any person in the county who has carried arms for the last six months, for a small reward. They have lodged informations already, one for being robbed on the road, and the other for his house being broken open. It was through these men he was enabled to commit to gaol one of the most atrocious offenders in the county.

*5th Jan. 1811.]*

TO OLIVER LATHAM, ESQ.

KILLENAULE, CO. TIPPERARY,

FORWARDING a warrant to search for arms, according to the certificate transmitted in his letter of the 3rd instant. With respect to offering rewards for information, relative to persons who have carried arms for the last six months, it is doubtful that such in-



formation could be of any use ; but it might be advisable to hold out expectations of reasonable rewards for discovering those who are now illegally possessed of arms, on condition the arms are found and seized.

4th Jan. 1811.]

FROM SAMUEL JACOB, ESQ.

KILLENAULE, CO. TIPPERARY.

HE has received the warrants for search ; has committed to gaol James Hickman, a notorious leader, on positive information ; he promises to give much useful information, if not prosecuted ;—wishes for directions how to act. Has also apprehended one of the gang who robbed the mail guard of their arms. Has paid some money for private information, and wishes to have £100 at his disposal, for like purposes. Has not yet had time to get information on oath of the burning of Dunne's house, but the guard at Mowleis hill barrack, saw the flame and heard shots.

7th Jan. 1811.]

TO SAMUEL JACOB, ESQ.

KILLENAULE, CO. TIPPERARY.

ACKNOWLEDGING receipt of his letter of 4th instant, and thanking him for his exertions in apprehending offenders ; desiring him to draw on Mr. Taylor for the sum he requires, and to furnish an account of the expenditure ; on the subject of Hickman's offer, to consult with sergeant Moore, at Clonmel.

8th Jan. 1811.]

FROM FREDERICK FRENCH, ESQ.

BALLINAKILL, QUEEN'S COUNTY.

ACKNOWLEDGING receipt of letter, and enclosing original informations. The farmers are well prepared to resist the insurgents, but if once a principle of terror gets amongst them (as in the former rebellion) it will have the worst effect. The gentlemen have determined to offer considerable rewards, for the apprehension of the writers and distributors of threatening letters. Encloses a notice to be printed and posted on the chapel doors. Cannot trace any system or progress as in the county Tipperary and Kilkenny, but if not opposed at the outset would become very alarming ; recommends two gentlemen to be appointed Magistrates. Do not intend to call a meeting of Magistracy, but to keep these matters from being public, and expect to maintain the peace without further trouble.

7th Jan. 1811.]

TO MATTHEW FORDE, ESQ.

CLOUGH, CO. DOWN.

FROM the circumstances stated in the affidavits transmitted with his letter of the 6th instant, there is a probability of his being able to bring the principals in the riots at Seaford, on the 5th of December, to justice. With respect to the conduct of the priest mentioned in his letter, government has not the means of interposing, but it is extremely desirable that the grounds of objection to Freemasonry should be previously ascertained. The government feel assured he will render all possible assistance.

10th Jan. 1811.] (*For letter of 6th, see December Precis.*)

FROM D'ARCY MAHON, ESQ.

ATHY, CO. KILDARE.

IMMEDIATELY after receipt of letter of 8th, had occasion to call on Mr. Bagot, a respectable magistrate, to whom he mentioned his communication to government, and he perfectly coincided with him as to the state of the county. That it is very notorious that the priests of Kildare, and several others, have preached to their flocks against the pernicious system disseminating among them, to plunge them into another rebellion. Has reason to believe a field officer, on half-pay, of British service, was employed at Antwerp in a confidential situation under the French government, which warrants the suspicion of a correspondence between Antwerp and Ireland. Part of the insurgents' oath is, to be ready to join the French when they come: declines communicating the names of the informants, lest their lives should be exposed.

6th Jan. 1811.]

FROM THOMAS JAMES RAWSON, ESQ.

TRIM, CO. MEATH.

R. O'CONNOR has remained some time without leaving Dangan demesne; won't let his sons mix with the lower orders as they formerly did. The system of Shanavests is spreading to the Castlecomer collieries (10,000 men). The Rev. Mr. Wainwright, an active magistrate, knows of thirty-two stand of arms; wishes to be informed of the act of parliament relative to the search of arms.

3rd Jan. 1811.]

FROM RICHARD USHER, ESQ.

WATERFORD, CO. WATERFORD.

HAVING heard, that the officer, commanding the troops at Cappoquin, had reported that neighbourhood to be quiet, is anxious

to state, that it is by no means the case. That two hundred men, armed, rode through Cappoquin, and passed the Barrack gate. The disaffected every day gain strength, and have deputies from each parish. Thinks he could get a quantity of arms, if the time to apply for leave, under the late act, would admit. Power went to gaol for safety: was attempted to be murdered in his own house, and an attempt has been made to poison him in gaol. There is money due for his subsistence, and he is in want of clothes, &c.; begs Mr. Taylor to remit some to be expended to the best of his judgment for Power's use.

9th Jan. 1811.]

TO JOHN BAGWELL, ESQ.

CLONMEL, CO. TIPPERARY.

ENCLOSING post-bills for one hundred guineas, to be paid Fleming for his spirited conduct; approving of the advertisement for the apprehension of persons guilty of the outrages enumerated therein, and of the offer of reward that may enable any magistrate to surprise any party of the insurgents; and observing that one hundred pounds is a larger offer than is customary for information not leading to conviction, and suggesting half that sum for private information. At the same time, the amount is left entirely at his discretion.

8th Jan. 1811.]

FROM JOHN CASSIDY, ESQ.

MONASTEREVAN, CO. KILDARE.

HE has received circumstantial information, which leaves no room for doubt, that the lower classes in the neighbourhood of Rathangan and Kildare, are making great progress in swearing each other; but their avowed object he has not yet ascertained. Detailing a list of persons who appear to be most active; they are most anxious and active to procure arms. He will continue to communicate whatever may occur, and do all in his power to support the laws, &c.

9th Jan. 1811.]

TO JOHN CASSIDY, ESQ.

MONASTEREVAN, CO. KILDARE.

IN consequence of his letter of the — instant, requesting an interview with him at the Castle. For the present, it is very desirable that depositions could be procured of the attempts to administer illegal oaths. It will then be for consideration, whether



to act at once against the persons charged, or lie by for the purpose of discovering the principal offenders, rather than to punish the ignorant people who are deluded by them.

12th Jan. 1811.]

FROM THE RIGHT HON. DENIS BROWNE,

WESTPORT, CO. MAYO.

ON consultation with a confidential friend, on the subject of the anonymous letter, is of opinion that there are no grounds for the statement, except that the Messrs. M'Donel are disaffected persons, and the only persons in their station of life who are so in the county; every precaution taken, and inquiry shall be made, the same as if the statement was credited.

9th Jan. 1811.]

TO THE RIGHT HON. DENIS BROWNE,

WESTPORT, CO. MAYO.

ENCLOSING the copy of an anonymous letter that has been forwarded by post to government, stating "the French are landing arms on a small island near Newport, county Mayo, and that a relative of Mr. C. M'Donnell lands them on the coast;" and relying on Mr. Browne's activity to ascertain whether the intelligence is founded on fact.

7th Jan. 1811.]

FROM REV. WILLIAM GORE,

DROMORE WEST, CO. SLIGO.

STATING an act of outrage and sacrilege committed on the parish church of Killmachillgan and Templeboy, of which he is rector, on the night of the 1st instant. Informations have been sworn against some young fellows for singing, on the night of the 25th December, a song of a most treasonable and seditious nature; and hopes to have them secured. If exertion on the part of the loyal inhabitants is not immediately put in force, the country may exhibit the same anarchy and confusion as disgraced it some years ago.

8th Jan. 1811.]

FROM ROBERT RAWSON, ESQ.

ATHY, CO. KILDARE.

THE person giving him information is a yeoman, and a respectable farmer, near that town. He had the information from a

labourer of his own, that meetings are held in farm-houses, and under pretence of rosaries (a form of prayer), and that every night they extend a mile further. The neighbourhood full of arms, which is the reason we have not taken any from the yeomen. He (Mr. Rawson) has called in all the arms which might not be defended.

8th Jan. 1811.]

FROM E. V. FITZGERALD, ESQ.

LIMERICK, CO. LIMERICK.

HE has procured a man (John Fitzgerald) to league himself with the banditti (most of whom are deserters, whose names and regiments he encloses a list of); the gang laid a plan for the robbery near Patrick's Well, which they executed so quickly he had not time to get his informant's notice to prevent it, but in consequence of his perseverance has apprehended one of them, John Hogan, who has made a verbal confession of his guilt. He trusts his informant's intelligence will enable him to defeat a desperate plan of murder and robbery laid by these ruffians. Refers to government whether it would not be more advisable to punish Hogan as a deserter, than to bring Fitzgerald, the informer, to prosecute.

11th Jan. 1811.]

TO RICHARD WILLCOCKS, ESQ.

LIMERICK, CO. LIMERICK.

ENCLOSING an anonymous letter dated Dungarvan, 8th instant, respecting the state of the county of Waterford, and desiring him to make such a use of it as he may think necessary.

11th Jan. 1811.]

FROM J. CASSIDY, ESQ.

MONASTEREVAN, CO. KILDARE.

FROM information he has got, there exists a great division amongst the lower class, which, taking advantage of, he expects such information as will enable him to act; should his presence be required in Dublin he will instantly attend. As the farmers and others of property refuse to join these illegal associations, suggesting an idea of forming an association *for the protection of the Peace and Property of the Country*, and admit all well-inclined to join it.

12th Jan. 1811.]

TO J. CASSIDY, ESQ.

MONASTEREVAN, CO. KILDARE.

FROM the course he purposes to adopt, his presence in Monasterevan will be more useful than a personal interview. The division among the lower orders will, it is hoped, turn to good account, and the meeting of Magistrates appears well calculated to produce the effect he looks for, and as it will not carry in its appearance any idea of alarm, beneficial consequences may be expected.

9th Jan. 1811.]

FROM MATTHEW FORDE, ESQ.

CLOUGH, CO. DOWN.

ACKNOWLEDGING receipt of letter, but the point to which he particularly alluded it has not ascertained, namely, whether the Crown Solicitor will be ordered to prosecute. Had no idea that government should interfere as to the Catholic Freemasons, but only wished to show that the disturbances all over Ireland were confined to the papists, and that the priests were at the bottom of them.

10th Jan. 1811.]

FROM THE REV. THOS. HANDCOCK,

NEW ROSS, CO. WEXFORD.

GREAT pains taken by ill-disposed people to agitate the country, which at present is comparatively quiet. Great quantities of gunpowder purchased by the lower orders, under the pretext of shooting water-fowl, which implies they must have fire-arms, for which the magistrates do not now possess power to search, without information on oath, or by application to government, which is too tedious. Many disaffected persons above the lowest rank in the town of New Ross, and a priest named Dixon, who, in 1798, was convicted of treason, and who had just returned from Botany Bay, when he was appointed to the care of 500 to 600 souls at Ross.

The Protestant clergyman on applying for his tithe, was informed by a disaffected person of considerable substance and influence with the lower orders, that if parliament did not exempt the "people" from tithe, another rebellion *shall* do it.

Can supply sworn documents of these facts; was informed by a Roman Catholic gentleman of considerable property in the county Kilkenny, that two priests of that county declared the country to be on the eve of a general insurrection; that they were well supplied with arms, and are now robbing for money to



purchase ammunition, and that all the influence of the Romish clergy cannot prevent it.

14th Jan. 1811.]

TO REV. THOS. HANDCOCK,

NEW ROSS, CO. WEXFORD.

THANKING him for his communication of the 10th instant : with respect to the sale of gunpowder, inquiry will be set on foot, and such restrictions imposed as the law will admit : the magistrates have it in their power to prevent the too easy acquisition of it by the lower orders, by refusing licenses where they have reason to suspect the privilege has been abused. No precaution can be taken against the misconduct of the priest whom he mentions, except that vigilant attention to his conduct, which Mr. Handcock so laudably exerts for the security of the country. The Attorney-General will be consulted with respect to the intemperate remark made by a suspicious person at Ross about tithes. Sir E. Littlehales has taken a note respecting the militia ballot. The information received from the Roman Catholic gentleman is of such vital importance that it is hoped Mr. Handcock will prevail on him to make his communications direct to government.

10th Jan. 1811.]

FROM CORNELIUS BOLTON, ESQ.

WATERFORD, CO. WATERFORD.

HAVING seen a paragraph in the public prints that the Caravats had paraded in the open street of that city, in defiance of the magistrates, is anxious to assure government of its being an absolute falsehood, and he has desired the editor to have it contradicted in those papers in which it had appeared.

14th Jan. 1811.]

TO FLEMING M'NEILL, ESQ.

NEWRY, CO. DOWN.

REQUESTING him to procure copies of depositions of the outrage stated in his letter of the 13th to have taken place at Hilltown, and to acquaint the magistrates with the wish of government to be made acquainted with all circumstances relating to the public peace, requesting him to direct his attention to the Harp Society at Belfast, and advising secrecy and caution to be observed in his inquiries.

14th Jan. 1811.]

FROM E. R. COURTENAY, ESQ.

NEWRY, CO. DOWN.

A MEETING held in Newry, which is increasing every day. The new members are told it is a harp society, the same as is held in Belfast; but so great precaution is used, he cannot get acquainted with their oaths or proceedings. The disaffected persons of former times are the heads of it. Suggesting the idea of a stranger who would endeavour to gain their confidence, as they are guarded against those whom they know to be well affected.

14th Jan. 1811.]

TO E. R. COURTENAY, ESQ.

NEWRY, CO. DOWN.

THANKING him for his communication of the 11th instant, and approving of his endeavouring to get a proper person to gain the confidence of the society he mentions, and endeavour to ascertain their object.

19th Jan. 1811.]

FROM WILLIAM EVANS, ESQ.

RATHANGAN.

HAS known Neale many years,—a man of very bad character; is a good clerk, and a deep, designing fellow; is informed that he is going about swearing the people. The officer commanding there, a steady young man, says there are attempts made to seduce his men in their billets. A Protestant soldier heard some men say they were not afraid of the soldiers, as there were but four Protestant soldiers in the party (which is the case). The deception they use, to lead the people on, is by asking them if they are not anti-unionists. Will send a list of names.

15th Jan. 1811.]

FROM H. ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

THOMAS BUTLER is now in Waterford gaol; he has sworn to several men, all tenants of Lord Waterford, living in a barbarous part of the country, at a considerable distance from him and Mr. Langley. They wait only for a reply to this letter to endeavour at taking seventeen of them; they have now, friends of Butler setting those fellows. Mr. Langley intends to go to the town of Carrick, and he to Kilmacthomas, from which they will act in conjunction. Will require an order of military assistance. Butler

has nothing to save his life, but turning king's evidence. If money should be wanting, begs to know if he may draw on Mr. Taylor.

15th Jan. 1811.]

TO H. ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

IN reply to his letter of the 13th instant; observing, that under the circumstances Butler is at present, his testimony would not be sufficient for a prosecution, and that it seems more advisable to ascertain whether the facts stated by him have actually occurred, and if he could identify any of the perpetrators—all which, it is hoped, may be quietly done, and then the proposed plan for surprising and securing them may be duly adopted.

Serjeant Moore, who is now at Waterford, has, no doubt, before the receipt of this letter, given his advice on this subject. The military will not, therefore, be found necessary for the present; but, on any sudden emergency, a party, on application to the commanding officer, will be furnished. Mr. Taylor will honour his draft for fifty guineas. Requests he will give the earliest intelligence of what steps he may take with respect to Butler. The affidavits are sent directed to Serjeant Moore, from whom he will receive them.

13th Jan. 1811.]

FROM JOHN D. LANGLEY, ESQ.

INNISTIOGE.

HE yesterday committed to gaol, Thomas Butler, who was taken in the act of plundering a house of fire arms. For particulars of his depositions, refers to Major Cole, who promised to transmit copies. Butler had given information against seventeen. With respect to remuneration, he did not mean to seek compensation for his services, but merely a reimbursement of expenses for three years past, such as a magistrate who warmly exerts himself is liable to, and which, if his circumstances were adequate to such losses he would not apply for.

16th Jan. 1811.]

TO JOHN D. LANGLEY, ESQ.

INNISTIOGE.

His letter of the 13th instant has been received, informing of the commitment of Butler, on which subject Major Cole and Serjeant Moore have been written to, and to whom he is referred. With



respect to payment of expenses, nothing more can be added to what has already been communicated through Major Cole; from which, he will perceive, if a detailed statement of the sums and the account on which they were disbursed will be furnished, there exists every inclination to reimburse whatever sums may have been expended in the public service.

16th Jan. 1811.]

FROM MR. SERJEANT MOORE,

KILKENNY, CO. KILKENNY.

ATTENDED a meeting of magistrates, the day before, very numerous, and all perfectly united and anxious to maintain the laws. Thinks the banditti will soon be expelled the neighbourhood of Callan. Magistrates anxious to be informed of the extent of their powers. One of them, a Mr. Lowe, of Callan, stated, as a fact, that he had been met at night by a person authorized to treat for those deluded people; that they would give up their arms, and take the oath of allegiance if assured of an amnesty. Informed him that if his proposition was reduced to writing, it would be presented to government; but that without a disclosure of their objects, system, and instigators, a mere delivery of arms would be of no avail.

17th Jan. 1811.]

TO MR. SERJEANT MOORE,

KILKENNY, CO. KILKENNY.

HIS letter of the 16th instant has been received, notifying the good spirit that prevails among the magistrates of Kilkenny. As to the extent of their power, of which they appear to be ignorant, Mr. Townsend has been desired to prepare an abstract of the laws of arrest, with regard to magistrates, constables, &c., together with extracts from the white-boy acts, of which copies have, in many instances, been dispersed. His remark, on Mr. Lowe's proposition, is perfectly in union with those which government wishes to impress on the mind of the people—a mere surrender of arms can be of no use. One example of a noted ruffian to be of much more avail.

15th Jan. 1811.]

FROM BRIGADE-MAJOR BRIDGEMAN,

BALLYMOATE, CO. SLIGO.

HAVING received information of some unlicensed arms, in the hands of suspicious persons, issued a warrant to the constables,

and, with a sergeant and three yeomen, searched the persons' houses, and found two French muskets, and Prussian, and two fowling-pieces; and has this day been informed where there are twenty stand more; but being ignorant of the repeal of the act enabling the magistrate to search, and being threatened with a prosecution for the search he has made, requests a warrant may be sent to him to authorize him to make further search.

17th Jan. 1811.]

TO BRIGADE-MAJOR BRIDGEMAN,

BALLYMOATE, CO. SLIGO.

ACKNOWLEDGING his letter of 15th inst.; and acquainting him that any two justices of the peace who have received information on oath, may search for arms; and that in cases of suspicion only, it is necessary to have the lord lieutenant's warrant, and referring him to particular sections of the arms act, which are enclosed. On his sending a certificate, as directed by the act, a warrant will be issued.

14th Jan. 1811.]

FROM HON. AND REV. ARCHDEACON ST. LEGER,

TIPPERARY, CO. TIPPERARY.

STATING the country to be in nearly a state of insurrection; scarcely a night passes that some house is not attacked; meeting of large bodies, well armed, by night, and sometimes by day. Mentions the meeting at Donoghill, (see Mr. Cooper's letter, page 71). Very difficult to procure information. A determined and active magistrate much wanted, to be out with the troops. From experience, he knows the expense to be very great for obtaining private information, and also the duty severe on an individual. Though the duty is incumbent on magistrates, thinks in times like the present, they ought to be remunerated.

17th Jan. 1811.]

TO RICHARD SADLIER, ESQ.

TIPPERARY, CO. TIPPERARY.

IN answer to his memorial, is directed to acquaint him that it would be impossible to make any remuneration to him for the discharge of his duties as a magistrate, without deviating from an established rule, and drawing into disrespect, a situation, the dignity and influence of which, has always been considered as equivalent to the duties imposed on it.

16th Jan. 1811.]

FROM J. CASSIDY, ESQ.

MONASTEREVAN, CO. KILDARE.

BEING obliged to go to Dublin, requests an interview on Saturday.

16th Jan. 1811.]

FROM FLEMING MACNEILL, ESQ.

NEWRY, CO. DOWN.

Does not find any steps have been taken to discover the authors of the transaction at Hilltown. Hears Belfast is getting very bad. It would require a person to be resident there some time, to be able to do any thing there with effect. The suspicious person whom he first communicated with government about, is now in Newry, ever since the recent business at Maynooth, where he had a farm, and used to be very much with the students. The soldiers of the 59th regiment, in consequence, it would seem, of not being sent to their own place of worship, went in a riotous manner last Sunday to chapel. There is much danger of their being seduced by the disaffected in that town.

17th Jan. 1811.]

FROM THE REV. THOMAS HANDCOCK,

NEW ROSS, CO. WEXFORD.

THE Roman Catholic gentleman, whom he mentioned as having given him the information from the priests, he is not at liberty to name, the communication being made to him in confidence. He is a man of considerable property in the county of Kilkenny, and the truth of the circumstance respecting the priests may be ascertained by applying to the high sheriff of the County Kilkenny. He hopes to continue to receive useful intelligence from the gentleman, who, though a zealous Catholic, has always conducted himself well. Suggests the plan of obliging the purchasers of gunpowder, to produce their game licenses, where they are not known. Encloses an information, he took this day, for instructions how he is to act; as there is a confederacy of disaffected men at New Ross who, from a public fund, harrass with law any magistrate whose zeal may make him exceed his authority.

19th Jan. 1811.]

FROM E. R. COURTENAY, ESQ.

NEWRY, CO. DOWN.

His first discoveries were made by his being a Freemason; which channel is now shut, as the few Roman Catholics who are so, are



excluded by the Harp, or Green Society. Such is the dread their clergy hold Freemasons in, that one of the persuasion has been refused the rites of the church. Still thinks a stranger might be found in the Dublin police, to be of service here. Recommends the captains of yeomanry, in the neighbourhood of where the nightly meetings are held, to be *privately* ordered to prevent such.

21st Jan. 1811.]

TO E. R. COURTENAY, ESQ.

NEWRY, CO. DOWN.

IN reply to his letter of 19th instant, to observe; that, if a person who had knowledge of the parties whose views are the object of inquiry, could be found to undertake it, he would, in many respects, be preferable to a stranger.

21st Jan. 1811.]

TO T. R. SMITH, ESQ.

NEWRY, CO. DOWN.

IT being represented that a very suspicious society, called the Harp, or Green Society, has been recently formed in Newry, and that nightly meetings have occurred in the neighbourhood of Rathfriland, Narrow Water, and in the barony of Mourne, to request he will give what information he can collect there, thereto; and, from his local knowledge, to procure some person to endeavour to gain the confidence of this society, in order to ascertain their objects. All expenses attending such inquiry to be reimbursed, and recommending the utmost secrecy and circumspection in the business.

16th Jan. 1811.]

FROM JOHN CASSIDY, ESQ.

MONASTEREVAN, CO. KILDARE.

As there is certainly a division among the people, and almost all the persons, possessing property, refusing to join, thinks it would be a wise plan to form some association, for the protection of the peace and property of the country, without any other title; and to admit all persons who seem inclined, and protect them from being forced to join the disaffected.

TO JOHN CASSIDY, ESQ.

MONASTEREVAN, CO. KILDARE.

As such an association as he proposed to form, might, under existing circumstances, give loose to alarm, he will do well to postpone the formation of it, until an opportunity can be had of again conversing with him on the subject.

19th Jan. 1811.]

FROM THE REV. E. HUNT,

MT. JULIET, CO. KILKENNY.

THIS day attended the meeting of magistrates,—when Messrs. Lowe and Smith proposed, on the part of the Caravats, that they would, on obtaining an amnesty for past offences, surrender their arms, take the oath of allegiance, and enter into security for good conduct, as will be more particularly stated in the resolutions transmitted by the sheriff; but although he signed, as well as several of the magistrates, sooner than cause a division, yet expressing his private opinion, that the conviction of a principal leader would have better effect, than the measure proposed this day.

23rd Jan. 1811.]

TO THE REV. E. HUNT,

MT. JULIET, CO. KILKENNY.

THANKING him for his communication,—the opinion expressed by him perfectly coincides with the view which government have taken of Messrs. Lowe and Smith's proposal, of which he will be officially apprised by the High Sheriff, who is written to by this post.

19th Jan. 1811.]

FROM WM. ISOD, ESQ., HIGH SHERIFF,

KILKENNY, CO. KILKENNY.

ENCLOSING the result of a meeting of the magistrates, held this day, stating, that in consequence of a communication that had been made to Edward Smith and Matthew Lowe, Esqrs., two magistrates, from persons who admit themselves to be concerned as leaders in the disturbances, and who propose to surrender to them, not only themselves, to take the oath of allegiance, but surrender fire-arms, and give useful information of the purposes and intentions of their nightly meetings, provided they would receive his Majesty's pardon for their offences, save and except murder, burning, and highway robbery; and that the magistrates, being

favourable to any lenient measure, beg to submit this statement for his Grace's consideration, and precise directions thereupon.

23rd Jan. 1811.]

TO WM. ISOD, ESQ., HIGH SHERIFF,

CO. KILKENNY.

IN reply to the statement enclosed in his letter of the 19th, from the magistrates, on the proposal brought forward by two of that body, Messrs. Lowe and Smith, it is wished that the magistrates should understand, that government cannot enter into any terms of compromise with the persons in whose behalf the proposal has been made; but that the magistrates should use their influence to improve the disposition to subordination it seems to announce; and at the same time to impress on the offenders that their best claim to favour will be in the surrender of their arms, confession of their crimes, and a full disclosure of their objects and instigators; and desiring him to make these sentiments known to the magistrates.

23rd Jan. 1811.]

TO PATRICK POWER, ESQ.

CARRICK-ON-SUIR, CO. TIPPERARY.

INFORMING him that depositions of the occurrence mentioned in his letter of the 21st instant, have been required from the Rev. Mr. Herbert, before whom, it is presumed, he has carried his servants to swear to the facts; and if he should not have done so, to beg he will lose no time in seeing that gentleman.

24th Jan. 1811.]

FROM REV. N. HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

ENCLOSING the only depositions that have been taken of the attack on Mr. Power's house, &c.; and stating that he had secured and lodged in gaol all the persons named in the information, and also the servant, who was the informant, for his own security. He thinks the country becoming less disturbed: the party at Mr. Power's were common robbers, and not

21st Jan. 1811.]

FROM REV. THOMAS BROWN,

KINSALE, CO. CORK.

WITH the consent of the Bishop of Cork, he encloses a copy of an information of his proctor against several of his parishioners, who



by force prevented him from valuing his parish. They also resisted, by arms, a magistrate of the county, who went to lay a plan for building a church, and drove him and his party off with threats, if they should ever return on the same errand. Nothing but a military force can give protection to his proctor. Three of the ring-leaders have been apprehended, and have given bail for their appearance at the next assizes. Has been in peaceable possession of his parish forty years, and never, until now, met any opposition: he fears this conduct is a prelude to something worse.

19th Jan. 1811.]

FROM JOHN HILLAS, ESQ.

DROMORE WEST, CO. SLIGO.

HE has just received strong assurances of soon getting positive information against some notorious offenders. Has no doubt, the person giving him this useful information, will be protected and compensated by government. As he has already sent copies of the depositions, wishes to know if he shall also give others to Rev. Mr. Grove. A meeting of the parishioners took place, without distinction of religion, and entered into strong resolutions. Refers to his brother, Counsellor Hillas, for further information. Wishes to be informed of the powers of a magistrate, in searching for arms.

23rd Jan. 1811.]

TO JOHN HILLAS, ESQ.

DROMORE WEST, CO. SLIGO.

HIS letter of the 19th instant has been received, informing of his having strong hopes of apprehending some offenders; assuring him such protection and reward as shall be proper, will be afforded to those, by whose information he may be enabled to bring the offenders to justice; it will not now be necessary to send the depositions Mr. Grove applied for. Approving of the resolutions of the parishioners of Kilmashalghan and Templeboy. Enclosing to him the arms act of last session, and observing that by the act of 1807, 2 session, chap. 54, any person convicted of having unlicensed arms, is subject to ten pounds penalty and forfeiture of arms.

24th Jan. 1811.]

TO RICHARD CREAGHE, ESQ.

GOLDEN, CO. TIPPERARY.

IN reply to his letter of the 21st instant, observing to him, that the having arms unregistered is an offence, in the first instance,

incurring a penalty and seizure, and on non-payment, only subjects the delinquent to imprisonment; and it is presumed he has proceeded against Quinlan accordingly. The conviction of Wall, is, no doubt, according to law, and his having received the arms from his landlord is no legal excuse for his want of license, though it is favourable to him; and it must rest with him (Mr. Creaghe) to settle the degree of bail.

24th Jan. 1811.]

TO G. NEVILLE, AND JOHN FITZPATRICK, ESQRS.

JOHNSTOWN, CO. KILKENNY.

IN reply to their letter of the 22d instant, acquainting them that it is not necessary that they should have a warrant, to search for arms, in places where they have information on oath of their being concealed; and desiring they may lose no time in making such search; and after, if a warrant should be necessary, the certificate enclosed, to be filled up and returned, in order to found a warrant thereon.

23d Jan. 1811.]

FROM JOHN CASSIDY, ESQ.

MONASTEREVAN, CO. KILDARE.

IN consequence of the wish of government that he should postpone the foundation of an association of the magistrates, &c. (see page 199), he will proceed no further until he has further instructions. At the same time, he feels unpleasant at now declining a measure he had proposed to his neighbours, to whom, and the well-disposed farmers, it will be a disappointment.

24th Jan. 1811.]

TO JOHN CASSIDY, ESQ.

MONASTEREVAN, CO. KILDARE.

THE principal objection to the association, mentioned in his letter of the 23d instant, was the exciting an unnecessary degree of alarm; but as he has proceeded so far in the business, it must be now left to his discretion, and that of the other magistrates, in following up the steps that have been taken; to be cautious of admitting any other than magistrates, or substantial persons into the association.

23d Jan. 1811.]

FROM T. R. SMYTH, ESQ.

NEWRY, CO. DOWN.

HE had not heard of any meetings at Narrow-water or Rathfriland. As to Newry, it has always been disaffected. At the

theatre, lately, there appeared a spirit of disloyalty among the lower orders, principally butchers: they were encouraged by a young man of the name of M'Cumley, who conducts himself with great impropriety, and associates with Mr. O'Hanlon, who had been in the Spanish service.

23d Jan. 1811.]

FROM WILLIAM DESPARD, ESQ.

CULLAN, CO. KILKENNY.

HE has admitted Diegan to bail. There has been a search made for arms, but in most instances with little success. Has apprehended two of the banditti who committed depredations at Ballingarry. It has been suggested to him, that, by surrounding the chapel during service, he would be enabled to arrest several; but considering it an ungenerous act, at this time, has declined it. Understands that a notorious offender of the name of Patrick Mullally, of this neighbourhood, has made some surrender of himself or terms for protection, with some magistrates of Kilkenny; and should he be protected, it ought to be on condition of his giving most useful information, which he can do, as he is the head of a very large party. Scarce a night passes without some outrage. Information not to be had.

25th Jan. 1811.]

TO WILLIAM DESPARD, ESQ.

CULLAN, CO. KILKENNY.

ACKNOWLEDGING the receipt of his letter of the 23d instant: observing, that his objections, to surrounding the chapels in search of offenders, meet the entire concurrence of government. If any application shall be made on behalf of Mullally, his suggestions shall be attended to; and any intercession for a criminal, under such accusations, must be accompanied with most urgent reason, to induce government to listen to the proposal. Trusting that his exertions have not been wanting, to discover the authors of the outrages alluded to in the last paragraph of his letter.

25th Jan. 1811.]

TO RICHARD WILCOCKS, ESQ.

CLONMEL, CO. TIPPERARY.

ENCLOSING to him a letter, relative to the punishment of Cockorane, and desiring he will prevent a similar evasion of his punishment, from taking place on the 29th.



23rd Jan. 1811.]

FROM ———, ESQ.

YOUGHAL, CO. CORK.

STATING the country to be dreadfully disturbed; and expressing his zeal for the public service. A serjeant of the North Cork Militia nearly killed in apprehending a deserter. Enclosing a letter relative to the bad designs of Cockorane, now in Waterford gaol, against him; stating his punishment of flogging to have been most scandalously executed. Enclosing a letter from Mr. Barron, with respect to the robbery of his arms.

24th Jan. 1811.]

FROM BRIGADE-MAJOR ECCLES,

NAAS, CO. KILDARE.

REPORTING several disorderly assemblies having taken place in Athy, and seditious words uttered. Endeavoured to see Bayly, the yeoman mentioned by Mr. Rawson; but he appears to be too timid to be made use of. Encloses a letter from Mr. Rawson, that a Dublin militia man in Carlow, had given such information as to induce his colonel to go off to government immediately. A servant, who is in the habit of telling his secrets when drunk, was overheard, crying,—“What! me murder my master, and take an oath, which I never did in my life! I will not, though I will not tell of you, P. Devoy.”

25th Jan. 1811.]

TO BRIGADE-MAJOR ECCLES,

NAAS, CO. KILDARE.

ACKNOWLEDGING his letter of the 24th instant, regretting that Bayly's timidity should prevent his being useful to himself and government. Recommending him (Major E.) to consult with Mr. Rawson, with respect to Devoy's plan, as overheard in his conversation with the servant, between whom and his master a confidential intercourse might be established. Requesting to be informed what plan he and Mr. Rawson may fix on.

26th Jan. 1811.]

TO REV. NICHOLAS HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

ACKNOWLEDGING the receipt of his letter of the 24th, and thanking him for his successful exertions. The conduct of Cavanagh is deserving of reward; but it will be well to withhold it, until he has established his credit with a jury. In the meantime, if

necessary, he should be removed to a place of security, and encouraged by such promises as will not go to invalidate his testimony as a witness.

22nd Jan. 1811.]

FROM MAJOR PRENDERGAST,

CLOGHEEN.

THE parties concerned in the transaction with the Wexford militia (who, he fears, have rather exaggerated, in their account of it) have surrendered. He last night went there on hearing of a riot and apprehended some offenders. Thinks a small detachment should be quartered there. Robberies of arms and money continue; the latter, it is reported, is for the maintenance of prisoners and the support of their defence. Highway robbery is also resorted to; and encloses information and an intercepted letter to the curate priest of the parish of Rushed, pointing out the leaders in every act of outrage. Wishes to know if he will be warranted in apprehending them. Requests he may be appointed to the commission of the peace for the counties Cork and Limerick.

26th Jan. 1811.]

TO JAMES P. POE, ESQ.

CULLAN, CO. KILKENNY.

ACQUAINTING him, in reply to his letter of the 25th instant, that he may offer adequate rewards for information leading to conviction, of smaller sums for private information, which will be reimbursed to him.

Jan. 1811.]

FROM B. MAJOR WARBURTON,

TULLAMORE.

STATING that nightly meetings are held, and are attended by strangers of the better order. He has employed two men to attend those meetings, with a view of discovering their object. Great appearance of disaffection in the country, and seditious newspapers forwarded free of expense.

26th Jan. 1811.]

FROM C. C. HAMILTON, ESQ.

CO. MEATH.

ENCLOSING depositions respecting the outrage at Major Tucker's, and a letter from Mr. Chaloner, stating that nightly meetings are

carried on from Navan to Cavan, thirty-eight miles through a country inclined to rioting, and where there is not a soldier. Thinks that troops should be sent to the county Meath; and if so, pledges himself the magistrates will be ever ready to do their duty.

23rd Jan. 1811.]

FROM JOHN HILLAS, ESQ.

DROMORE WEST, CO. SLIGO.

IN consequence of capital information against Patrick Dermot, had him apprehended; but he, unfortunately, contrived to make his escape. Has used every exertion to cause his being retaken; proposes a reward, for so doing, being offered, and wishes to know what sum will be thought proper. Has taken his informant under his protection. She promises to give most important discoveries, and in consequence of what she has already sworn, several suspected persons have fled. Has expended twenty-three and a-half guineas for information, &c., in carrying his plans into execution.

26th Jan. 1811.]

TO JOHN HILLAS, ESQ.

DROMORE WEST, CO. SLIGO.

ACKNOWLEDGING his letter of the 23d instant, and in reply, approving of his conduct in the affair to which it relates; and acquainting him that he is at liberty to offer one hundred pounds reward for the apprehension of Dermot; and that he has done perfectly right in taking the witness under his protection. If he sends up a private account of the sums paid by him, no time will be lost in remitting the amount.

28th Jan. 1811.]

FROM BRIGADE-MAJOR ECCLES,

NAAS, CO. KILDARE.

HAS received information of a notice having been posted on the chapel door, at Crookstown, near Halliton, threatening with death, the inhabitants of that neighbourhood, who had offered rewards for the persons who had robbed the house of two women there, and denouncing similar vengeance against any one who should inform—signed “Colonel Caravat,” and ending with “Prosperity to Bonaparte.”



26th Jan. 1811.]

FROM RICHARD WILCOCKS, ESQ.

CLONMEL, CO. TIPPERARY.

As he has reason to know that the punishment of Cockorane was shamefully evaded, he will take care to be present at his next and have it properly inflicted. Has been employed in collecting evidence, and providing for their security. When the punishment of Cockorane is over, will return to Clonmel, where his presence is absolutely necessary. Since his last arrival there, there has not been a single outrage committed in the neighbourhood.

29th Jan. 1811.]

TO — LONGFIELD, ESQ.

MALLOW, CO. CORK.

In consequence of a letter from General Floyd, by which it appears that he (Mr. Longfield) apprehends that arms are in the possession of ill-disposed inhabitants, "but that since the repeal of the insurrection act no magistrate may touch them," the enclosed acts are now sent him, by which he will perceive that the opinion he possesses on that point has been founded on mistake.

29th Jan. 1811.]

TO RICHARD WILCOCKS, ESQ.

CLONMEL, CO. TIPPERARY.

ACKNOWLEDGING the receipt of his letter of the 26th instant, and approving of his intention of being present at the next punishment of Cockorane, to see it duly inflicted; and hoping that his absence from Clonmel will not be delayed beyond the time absolutely necessary, as every day affords some instance of the advantage of his presence in Tipperary, for promoting the objects of the special commission.

31st Jan. 1811.]

FROM T. S. WHITNEY, ESQ.

EDGEWORTHSTOWN, CO. LONGFORD.

In reply to a letter of the 30th instant, requests that ten guineas may be transmitted to him, which, he thinks, will answer all the purpose desired for obtaining further information. The system of secrecy, observed by the lower orders, in their proceedings against the state, is uncommonly great. For the present, he must be absent for a short time from home; but government may rely on his best exertions being used, to obtain and transmit every information respecting the peace of the country.

30th Jan. 1811.]

TO T. S. WHITNEY, ESQ.

EDGEWORTHSTOWN, CO. LONGFORD.

IT having been represented by General Archdall, that through his (Mr. Whitney's) exertions, the fact of a meeting having taken place at Castle Wilder has been ascertained, and the purport of the oath administered, &c. ; and that he considers his informer as deserving of reward ; acquainting him that if he will name the sum to which he thinks him entitled, and how it shall be remitted, it will be done ; and to request he will draw from him every particular of the transaction, and its objects, and the names of those concerned, and to assure the person of being liberally encouraged by government for whatever useful discoveries he shall make.

30th Jan. 1811.]

TO THE RT. HON. DENIS BROWNE,

WESTPORT, CO. MAYO.

HIS letter of the 25th instant has been received, and a communication had with the Commander of the Forces, and if it be not too late, steps will immediately be taken to enable Major-General Brereton to supply the force required. On the subject of the recent disturbances at Mayo, agrees with him in thinking that a system of co-operation among the insurgents is hardly to be doubted ; but under what influence that system has been nurtured, vigilance and exertion only can solve.

29th Jan. 1811.]

FROM R. ROSS ROWAN, ESQ.

RATHFRILAND, CO. DOWN.

HAS made every inquiry, and cannot find that any such transaction as carding, or threshing, people, had taken place. Lives within two miles of Hilltown, where such occurrences could not have taken place unknown to him. Has been a magistrate for thirty years, and never knew the country more peaceable. There are some people, in his vicinity, fond of propagating bad reports.

31st Jan. 1811.]

TO LIEUT. READE, COMMANDING DETACHMENT  
WEXFORD REGIMENT,

THURLES, CO. TIPPERARY.

INFORMATION having been received, that on the fair-day of Thurles (the 4th of February), the Shanavests and Caravats

meditate a conflict, and are preparing to meet in considerable numbers, he is desired to be in readiness to give every assistance in his power towards the apprehension of any persons so assembled; and previously that he will concert measures with Mr. Langley, or any magistrate or officer of police, who may be prepared to avail himself of the military force at Thurles, for the same purpose, and if any of the parties endeavour to escape from the attempt to apprehend them, on the side of Thurles, there may be parties of the military, under the direction of the civil power, planted on the other side, for that purpose. It will, however, be for him, and those whom he may consult, particularly Mr. Langley, to concert what plan may be best for carrying the desired purpose into execution.

## FEBRUARY, 1811.

*3rd Feb. 1811.]*

FROM MAJOR W. IRVINE,

DROGHEDA.

THE reasons for his having reported the country to be disturbed, were, from a conversation he had with Mr. Ralph Smyth, a magistrate of Drogheda, and also with the mayor, they having a great deal of private information. Nothing has come within his own knowledge; nor has he been called on to assist the civil power, except in one instance, to take a robber.

*1st Feb. 1811.]*

TO THE REV. T. HANDCOCK,

NEW ROSS, CO. WEXFORD.

ACKNOWLEDGING his letter of the 31st ultimo. Signifying the Lord Lieutenant's acknowledgments for his attention to the peace of his neighbourhood: his reliance on the continuance of his exertions in discovering the councils and acts of the disaffected in that quarter, and the grounds on which the expectation of a French invasion in May next is understood to rest.

*2nd Feb. 1811.]*

TO BRIGADE-MAJOR MOORE,

CARLOW, CO. CARLOW.

ACKNOWLEDGING the receipt of his letter of the 1st instant, and recommending him to communicate to some discreet magistrate



his suspicions relative to the meetings in Carlow, and if possible, to procure some intelligent person to join them, to discover their object. Should he obtain any further information, requesting he will communicate it.

1st Feb. 1811.]

FROM MAJOR-GENERAL CAMPBELL,

ARMAGH, CO. ARMAGH.

RUMOURS have been spread of nightly meetings having taken place in divers parts of the north-east division of his district; but they cannot be traced to any authentic source.

2nd Feb. 1811.]

FROM THOMAS PRIOR, ESQ.

DURROW, CO. KILKENNY.

STATING that on the 2nd instant a violent outrage had been committed, by three yeomen, on an assembly of Roman Catholic clergy, and a number of parishioners, who had met quietly for the purpose of ascertaining the dispute with the priest of the parish. Several people were wounded. The affray was at length put an end to, by the arrival of a party of the Louth regiment. Recommends the military at Rathdowney to be reinforced, and these yeomen to be disarmed.

5th Feb. 1811.]

TO THOMAS PRIOR, ESQ.

DURROW, CO. KILKENNY.

His letter of the 2nd instant, reporting an affray that took place at Rathdowney, has been received; and it is desired that no pains may be spared in apprehending and dealing according to law with those who are known, and to discover others of the instigators and offenders.

5th Feb. 1811.]

TO CAPT. BUTLER, DUBLIN REGIMENT,

BALTINGLASS, CO. WICKLOW.

ACQUAINTING him that an informer, who for some time past has been in communication with government, has stated that he is admitted to the society of a considerable number of persons in the neighbourhood of Baltinglass and Kildare, who have come up from the county of Tipperary, for the purpose of exciting disturbance. Besides which, he repeats the statement which had been before received through his (Capain Butler's) communica-

tion with Colonel Vesey, that it is the intention of the ill-disposed to possess themselves of the arms in that quarter by a sudden and general attempt. This man has been referred to Captain Butler, in order that he may sift his intelligence; and in case such strangers are in the country, he may lose no time in carrying the account to a neighbouring magistrate, for the purpose of his acting, if it appears expedient, under the 7th section of the enclosed act; and he is requested to name such magistrate as he may think it prudent to call on; and if Captain Butler should persist in his opinion, that arms are in the hands of improper persons, and that the design of getting possession of them by a sudden effort is in any degree of maturity, he will suggest to such magistrate, the expediency of filling up the enclosed certificate with the particulars of the suspicions, &c. Thanking him for his attention to whatever relates to the public welfare.

2nd Feb. 1811.]

FROM B. MAJOR ECCLES.

NAAS, CO. KILDARE.

ENCLOSING a letter from Lieutenant Farmer, stating that a notice (which he encloses) had been posted on the chapel of N. Narraghmore, which the priest, in a loyal and spirited manner, took down before his congregation.

9th Feb. 1811.]

TO SAMUEL COOPER, ESQ.

CASHEL, CO. TIPPERARY.

IN reply to his letter of the 6th instant, recommending remuneration to be made to Lieutenant Wayland. His Grace desires he will point out the manner and extent to which Lieutenant Wayland should be rewarded: and observing that it will be advisable to withhold any pecuniary remuneration, until after the prosecution of those persons, against whom his testimony may be required.

13th Feb. 1811.]

FROM JOHN BAGWELL, ESQ.

CLONMEL, CO. TIPPERARY.

HAS learned from the gaoler, that there are several of the convicts anxious for their punishment being commuted on serving in the army or navy. Will go to the gaol with an officer for the purpose of having such as are willing attested. The gentlemen

of the country very anxious they should be sent away. An offer has just been made him from John Lonergan, under sentence for execution, that he will give most extensive information, if his life is saved. Requesting a respite without delay, in case his proposal shall be accepted of.

12th Feb. 1811.]

TO JOHN BAGWELL, ESQ.

CLONNEL, CO. TIPPERARY.

As it appears by a letter from the Solicitor-General, that Hogan and the twelve men convicted at Clonmel, who had at first a wish to commute their punishment for service in the army or navy, have retracted their wish, but as it is likely they may resume their first intention previous to the time of punishment, which, if the magistrates of the neighbourhood are of opinion it will have a good effect, his Grace has every inclination to commute. Inquiring if there is any one in his quarter of the description of a Surgeon, or Sir John Casey.

19th Feb. 1811.]

FROM HENRY WHITE, ESQ.

CASHEL.

AGREEABLE to the instructions of government, he has provided a habitation and subsistence for Kilfoyle, in the town of Cashel; and he is fully aware of the impropriety of holding out any promise of reward to him, that might defeat his testimony as a witness. Enclosing an information of Kilfoyle against Michael Ryan, a noted offender, and the benevolence of government to him (Kilfoyle) will induce him to discover the haunts of this fellow, and Dwyer. His reason for not naming those persons in his former despatches, was the system of terror so prevalent in the country.

12th Feb. 1811.]

TO HENRY WHITE, ESQ.

CASHEL.

REQUESTING he will take an opportunity of conversing with William Kilfoyle, with respect to his removal, and settling with him whatever will be most acceptable to his feelings relating thereto, and to guard against any risk of his personal safety. Government will take care to provide for his subsistence; at the same time not to lead him to count upon the receiving further reward, when his evidence can be of no further use, though when



that time arrives his claim will not admit of a doubt. Requesting an early answer.

13th Feb. 1811.]

TO B. MAJOR PALMER,

RAPHOE, CO. DONEGAL.

IN reply to his letter of the 9th instant, acquainting him that it is desirable, that information should be formally lodged against the person in whose possession the lead was found; for which purpose, recommending, that the circumstances of suspicion be made known to some active magistrate, upon examination of which, important information may come out.

10th Feb. 1811.]

FROM REV. N. HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

REQUESTING such an answer that he can show to the officer commanding the Carrick corps, with respect to its being placed on permanent pay. Stating a robbery committed in the house of Mr. Riordan, a shopkeeper in the town. Requesting to be informed, if he has it in his power to compel persons to give evidence on oath, touching their knowledge of felonies or misdemeanors.

13th Feb. 1811.]

TO REV. N. HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

ACKNOWLEDGING his letter of the 10th instant; acquainting him in reply to his query, that where informations have been sworn that a felony has been committed, and that there is reason to suppose that any person can give evidence thereto, a magistrate may compel their attendance, and if they refuse to answer, or prevaricate, may commit them to prison. Requesting his opinion as to what extent of protection and encouragement should be given to Pierce Cavanagh.

Feb. 1811.]

FROM THE SOLICITOR-GENERAL,

KILKENNY, CO. KILKENNY.

LONERGAN, the opulent farmer who is to be hanged at Mullinahone, has offered to Mr. Jephson to make discoveries, if his life was spared; but, after full consideration, he (the Solicitor) and Sergeant Moore are of opinion that there is nothing he can

discover sufficient to countervail the necessity of the example to be made of him, and therefore they gave a peremptory answer to Mr. Jephson, excluding all hope. However, if his Grace should think otherwise, the execution can be stopped by express.

13th Feb. 1811.]

TO THE SOLICITOR-GENERAL,

KILKENNY, CO. KILKENNY.

ACKNOWLEDGING his two letters of the 11th and 12th instant, and acquainting him of the Lord Lieutenant's concurrence in the opinion he has conveyed to Mr. Jephson, respecting Lonergan's offer to make useful discoveries; and his approbation of the course taken with those persons, who, from their youth or other favourable circumstances, have been led to expect merciful consideration; also, of the precautions taken for the security of witnesses. The share which the Catholic bishop has had in tranquillizing the country demand the best acknowledgments. "Mr. Langley's claims are under consideration, and Cavanagh the subject of correspondence with Mr. Herbert.

12th Feb. 1811.]

FROM H. LANGLEY, ESQ.

THURLES, CO. TIPPERARY.

THE Cork mail-coach attacked near to the seventy-mile stone and to the turnpike-gate, where it had been stopped not long before. The assailants, without challenging, fired three shots, two of which wounded the dragoons who escorted the mail. Enclosing copies of informations received from the men of the Wexford regiment.

12th Feb. 1811.]

FROM BRIGADE-MAJOR WARBURTON,

TULLAMORE, KING'S COUNTY.

His informant states that there has been a check to the proceedings of the disaffected by the death of two of their leaders. A gentleman of the name of O'Brien, resident in or near the square in Limerick, is said to receive information from France, by ships which put into that harbour, and that the ill-disposed wait his instructions. They are led to believe that if the French are successful in Portugal, they will then come to Ireland. All this has been given on oath. Encloses a deposition of their meetings, &c.

14th Feb. 1811.]

TO BRIGADE-MAJOR WARBURTON,

TULLAMORE, KING'S COUNTY.

IN reference to his letter of the 12th instant, he is requested to learn the particulars of the persons, whose death he mentions, who

had taken a leading part in the proceedings disclosed to him, which, as they have been made to Mr. Drought, a magistrate, the necessary vigilance will be used to obtain information of their meetings, or to find a person to mix with them, in order to discover their objects; and suggesting his assisting Mr. Drought by means of his informant, which would put his veracity to the test. Enclosing some white-boy acts for any magistrate who may wish for them.

13th Feb. 1811.]

FROM JOHN BAGWELL, ESQ.

CLONMEL, CO. TIPPERARY.

IN consequence of information which he has received (at so very late an hour that he sends this letter by post-office express), he requests his humble recommendation may be laid before the Lord Lieutenant, that his Grace would grant a respite to John Lonergan, who is to be executed the next day but one.

15th Feb. 1811.]

TO JOHN BAGWELL, ESQ.

CLONMEL, CO. TIPPERARY.

IN reply to his letter of the 13th instant, to acquaint him that the proposal made by Lonergan had been previously brought under consideration, and that a judge's respite had been sent from Kilkenny, but no hopes given him of a remission of his sentence; and as his Grace has been unable to discover any grounds upon which mercy, with propriety, could be extended to him, Mr. Bagwell is requested to lose no time in acquainting him that all interference in his behalf cannot avail.

15th Feb. 1811.]

TO THE EARL ANNESLEY,

CASTLEWILLAN, CO. DOWN.

IT being represented that a man of the name of Woods, near Castlewillan, is forging pikes every night, and also a man of the name of Smith, near Hilltown, his lordship is requested to ascertain the truth of the report, and communicate the result of his inquiries. Enclosing a copy of the arms act.

Feb. 1811.]

FROM THE EARL ANNESLEY,

CASTLEWILLAN, CO. DOWN.

IN reply to a letter of the 15th instant, stating that he believes there are grounds to credit the report of Woods making pikes, as



several of his lordship's tenants have applied to him to be enrolled as yeomen, for the defence of their lives and properties. Will investigate these matters, and communicate the result. Woods is a tenant of Lord Downshire's, and the magistrates nearest to him are Mr. Ross Rowan and Mr. Newell. There is no person of the name of Smith at Mullamore, but he has a tenant of that name, at Ballydoo, on whom he has placed a watch.

15th Feb. 1811.]

FROM REV. NICHOLAS HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

ENCLOSING a letter from Mr. Power, relating to Cavanagh; thinks it will be absolutely necessary to remove him. Some time ago he seemed desirous to enlist. Intends making an extensive search for a large quantity of arms, and wishes to know if he may divide his party, and whether peace-officers can act under his warrant, while he is searching at a distance.

18th Feb. 1811.]

TO REV. NICHOLAS HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

IN reply to his letter of the 15th instant, authorizing him to advance to Cavanagh any sum of money he may think reasonable, and that Cavanagh may be sent to Dublin if he think proper, and if he wishes to go to Bristol his passage will be paid for by government. With respect to the search for arms, Mr. H. is at liberty to divide his parties as he proposes.

13th Feb. 1811.]

FROM PATRICK POWER, ESQ.

CARRICK-ON-SUIR, CO. TIPPERARY.

DETAILING the spirited and steady conduct of his servant, Pierce Cavanagh, and recommending him to the consideration of government; and stating that Maurice Quam, who is to be executed on the 23rd instant, has besought him for a longer day, and that his body may be given to his friends. Thinks advantage might be taken of his situation, to induce him to implicate a number of murderers, robbers, and Caravats, &c.

18th Feb. 1811.]

TO PATRICK POWER, ESQ.

CARRICK-ON-SUIR, CO. TIPPERARY.

ACKNOWLEDGING his letter of the 13th instant. It is unnecessary to enter further on the subject of Cavanagh, whose case has

become the subject of correspondence with the Rev. N. Herbert, who has been directed to settle with him (Mr. Power), the extent and manner in which Cavanagh can be best remunerated for his praiseworthy conduct. With respect to Quam, though he should be discouraged for any hope of royal mercy which cannot be extended to him, yet there can be no objection to receive any confession or discovery he may make.

18th Feb. 1811.]

TO THE EARL OF ORMONDE,

CO. KILKENNY.

HIS lordship's letter to the Solicitor-General, respecting the proposition of those persons concerned in taking arms and other outrages, has been laid before the Lord Lieutenant; and his Grace has directed it to be explained to his lordship, that it is impossible to offer pardon, to persons who have so offended, upon terms; he cannot, therefore, be authorized to enter into any negotiations with those disturbers of the peace. Any person who may deliver himself up, and his arms, may have his individual case considered; but no engagement can be entered into with those who have so transgressed.

14th & 17th Feb.]

FROM H. ST. GEORGE COLE, ESQ.

WATERFORD.

REPORTING one or two acts of insubordination, but trusting the example of the execution of the seven men will have a good effect. Is certain that if Mr. Langley, Mr. Paul, Mr. Herbert, Mr. Usher, Mr. O'Shea, and himself had the power of promising pardon in the county for what has passed, on condition of a full disclosure of the guilt of individuals, and delivering back of the arms to the parties who have been robbed, that many would embrace it. The seven unfortunate men were yesterday (16th February) executed, in presence of four thousand spectators. They confessed their guilt, forgave their prosecutors, and called on their former associates to desist. Very few magistrates or country gentlemen attended.

19th Feb. 1811.]

TO H. ST. GEORGE COLE, ESQ.

WATERFORD.

THANKING him for his letters of the 14th and 17th instant. In reply to the suggestion of empowering him, Mr. Langley, and other gentlemen to promise pardon for past offences, acquainting

him that it is impossible the promise of such mercy should precede the acts of submission. The course therefore to be pursued, will be, to encourage those who are willing to desert their vicious practices to surrender unconditionally to the government, in the hope that if their penitence be real, and testified by a full disclosure of all they know, and a faithful surrender of their arms, the lenity of government will forbear to proceed against them for past offences, more especially if the subsequent conduct of the country shall afford ground to believe their contrition is sincere.

*Feb.* 1811.]

FROM PETER WALSH, ESQ.

CARRICK-ON-SUIR, CO. TIPPERARY.

COMMUNICATING the earnest wish of John Kennelly, the prosecutor of Quinlan, that this man's body may be delivered to his family after execution. That they are people of good character in their rank of life, and that he (Mr. Walsh) will have it published, and made known that the body was given up at the request of John Kennelly, the prosecutor, which he conceives will have a very good effect.

*19th Feb.* 1811.]

TO PETER WALSH, ESQ.

CARRICK-ON-SUIR, CO. TIPPERARY.

IN consideration of the meritorious conduct of Kennelly, as stated by the Solicitor-General, and that it would be extremely gratifying to him (Kennelly) that the family of the prisoner should be permitted to have his body for burial, it is desired that the family of Quinlan may be informed, that in consequence of his intercession the body shall be given up to them by the sheriff. That, however, he will be directed to delay the delivery until a late hour in the evening. Notwithstanding the obligation of Kennelly, which his acquiescence in the wishes of Quinlan's friends impose on them, it will be desirable that a guard should for some time be afforded him, and requesting his opinion as to what extent it may be necessary.

*19th Feb.* 1811.]

TO VERE HUNT, ESQ.

CAPPOQUIN.

THE Solicitor-General and Mr. Serjeant Moore having represented that Mary ———, who prosecuted to conviction four persons



before the special commission, is worthy the protection and attention of government, he is requested to give his opinion in what way it may be most effectually done to suit her wishes, and to hold out encouragement to others to come forward in the public cause.

*Feb.* 1811.]

FROM ARCHIBALD JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

ENCLOSING a copy of a notice which he took down the day before from a tree at a cross road, which had remained all Sunday and several persons looking at it, but none would venture to pull it down. Has just heard of another being posted on the gate of the Rev. Mr. Henson, rector of Rosdroit. This business is spreading fast, but he has good hopes it may be put a stop to.

*16th Feb.* 1811.]

FROM JOHN BAGWELL, ESQ.

CLONMEL, CO. TIPPERARY.

HAVING no doubt of the inclination of government, to accept of the offer of the unfortunate men, (who were that day to receive their punishment), to enter into the navy on its being remitted, he wrote a letter to the sheriff (of which he encloses a copy) to delay the punishment, at the same time he did not hold out any hope to the men that their punishment would be remitted. Requesting they may be sent off as soon as possible.

*20th Feb.* 1811.]

TO JOHN BAGWELL, ESQ.

CLONMEL, CO. TIPPERARY.

APPROVING of the suspension of the punishment of the persons mentioned in his letter of the 16th instant, and apprizing him that orders will immediately be given for transmitting them to Cork to be forthwith sent into the navy.

*Feb.* 1811.]

FROM REV. NICHOLAS HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

REQUESTING that, if it is possible, a further respite may be granted to Quinlan, and thinks that if his sentence should be commuted to transportation, it would have a very beneficial effect, and cause a great quantity of arms to be delivered up.

The inhabitants of that part of the county Tipperary bordering on Kilkenny, have sent to inform him they would give up their arms if he would promise them protection for the past. This he has done on the terms of the enclosed certificate (provided it should meet the Lord Lieutenant's approbation).

20th Feb. 1811.]

TO REV. N. HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

His letter relative to the case of John Quinlan, under sentence of death at Kilkenny, has been fully considered; but there being no circumstance attending it, any way different from those of other persons who have suffered, his sentence cannot be remitted. It is presumed Mr. H. may not be yet aware, that, subsequent to the trial, James Kennelly's house had for some nights been surrounded by large parties firing shots, a circumstance which, though not leading to the decision, renders it less painful to reflect the law must take its course. With respect to the offer of pardon to those who shall come in and surrender arms, government cannot hold out such terms; but such offenders as shall acknowledge their guilt, surrender arms, and give such information as may enable magistrates to take effectual measures for preventing a renewal of disturbances, shall have their case considered with every disposition to mercy.

21st Feb. 1811.]

TO MICHAEL CARROLL, ESQ.

CULLAN, CO. KILKENNY.

His application, through the Solicitor-General and Serjeant Moore, in behalf of Keatinge, and also of Dunne and Sullivan, has been most anxiously considered, but cannot be complied with. The plea of the weakness of Keating's intellect should have been urged at the time of his trial; and observing that it has not been corroborated by his conduct in confinement. With respect to the equality of punishment of Caravats and Shanavats in the cases of Dunn and Sullivan, it is impossible for government to interfere.

21st Feb. 1811.]

FROM GEORGE CHAPMAN, ESQ.

PORTARLINGTON, QUEEN'S COUNTY.

HE and Mr. Bagot have agreed that the person who went to Major Sirr, shall follow his chief informant in order to keep up

constant communication. Major Sirr informed the chief he should be rewarded according to the extent and value of his services from £20 to £100. He has not yet received the commission of the peace.

21st Feb. 1811.]

TO GEORGE CHAPMAN, ESQ.

PORTARLINGTON, QUEEN'S COUNTY.

ACKNOWLEDGING his letter of the 20th instant (to Mr. Cole), and approving of his conduct relative to the promises of reward that have been made by him.

22nd Feb. 1811.]

FROM E. R. COURTENAY, ESQ.

NEWRY, CO. DOWN.

WISHES to be appointed a magistrate for the counties of Down and Armagh, as several who give him information would not like to go before another to swear to it, lest their names should be divulged.

23rd Feb. 1811.]

TO E. R. COURTENAY, ESQ.

NEWRY, CO. DOWN.

ACQUAINTING him, that as the Lord Chancellor has recently refused to add to the magistracy for the counties of Down and Armagh, government feel unwilling to press his lordship to do so, unless they could show some urgent reason, which it is satisfactory to hear does not exist; and trusting he will procure depositions where necessary, although it may be necessary to call for the intervention of a third person.

24th Feb. 1811.]

TO E. V. FITZGERALD, ESQ.

LIMERICK, CO. LIMERICK.

IN reply to his memorial setting forth his services as a magistrate, and the losses he sustained in 1808, by his forbearing to prosecute to conviction the persons apprehended under charge of participating in an outrage at Cahiscon; and praying to be granted remuneration. Acquainting him, that although his Grace would be glad of an opportunity of complying with his wish to be employed in some office under his administration, he fears that none such is likely to present itself. As, however, he had no other evidence but that of an approver against the



parties to the robbery at Cahiscon, it is satisfactory to think, no emolument has been lost to him by complying with the supposed wishes of government.

21st Feb. 1811.]

FROM THE EARL OF ORMONDE,

CO. KILKENNY.

NOTWITHSTANDING his being unable to hold out any promise of protection to the persons guilty of taking arms, several have voluntarily surrendered, of which his lordship encloses a list. He has merely given them a certificate of receipt, but he hopes they will be favourably considered by government. Fourteen stand more have been delivered to Mr. Lowe.

Feb. 1811.]

TO THE EARL OF ORMONDE,

CO. KILKENNY.

ACKNOWLEDGING his letter, enclosing a list of arms that had been delivered up to him. There is nothing to add to what has been formerly written to his lordship respecting those persons, except that no advantage will be taken of them, and that their conduct entitles them to the favourable consideration of government, though no compromise can be made with them.

21st Feb. 1811.]

FROM HAWTRY WHITE, ESQ.

WEXFORD, CO. WEXFORD.

ENCLOSING a letter, which was put into his hands, and would have communicated it before, but as no notice had been taken of the Catholic meetings in Dublin, made him careless of doing so; it being otherwise now, he sends it.

25th Feb. 1811.]

TO HAWTRY WHITE, ESQ.

WEXFORD, CO. WEXFORD.

THANKING him for his communication of the 21st instant, enclosing a letter which had been put into his hands, stating that frequent meetings were held in the county of Wexford.

21st Feb. 1811.]

FROM H. GORGES, ESQ.

DUNSHAUGHLIN, CO. MEATH.

ENCLOSING informations relative to the outrages committed on Mr. Hardman's property, and observing, that he thinks the entire

of the party suspected should be arrested. Requesting that Major Sirr may be sent down to examine the persons. Several meetings held at night; and he recommends thirty men to be stationed in the neighbourhood.

26th Feb, 1811.]

TO MR. WM. BRADSHAW, CHIEF CONSTABLE.

SHEVARDAGH, CO. TIPPERARY.

IN consequence of a representation of the magistrates of the county Tipperary, of his improper conduct at the whipping of three men on the 23d instant, it is the Lord Lieutenant's intention to dismiss him; and it is also for his Grace's consideration, whether the Attorney-General should not be directed to prosecute you for your misconduct, unless you shall be able to show cause to the contrary.

4th March, 1811.]

FROM MR. WILLIAM BRADSHAW,

LISNAMROCK, CO. TIPPERARY.

ENCLOSING a memorial detailing the particular circumstances which occurred at the whipping, and certificate signed by several magistrates, testifying his good conduct upon various occasions since his appointment to the office of chief constable of Shevardagh.

20th Feb. 1811.]

FROM OLIVER LATHAM, ESQ.

KILLENAULE.

IN consequence of the very improper conduct of William Bradshaw, requesting he may be dismissed from his office of chief constable.

23d Feb. 1811.]

FROM MATTHEW COOKE, ESQ.

KILLENAULE.

MAKING the same complaint against Bradshaw, and recommending a Mr. Baker to be appointed in his place.

23rd Feb. 1811.]

FROM REV. N. HERBERT,

CARRICK-ON-SUIR.

Is sorry that government does not approve of the terms proposed by the deluded disturbers, and fears they will not give up their

arms on any other. Has sent Cavanagh five guineas to defray his expenses up to Dublin.

13th Feb. 1811.]

FROM HENRY BRISCOE, ESQ.

CARRICK-ON-SUIR, CO. TIPPERARY.

REQUESTING to know if government will permit him to receive arms from the people called Caravats, on promise of pardon for what was past, &c.; and if, on their finding security for future good behaviour, and giving up their arms, he may desist from putting the law in force against them. Requesting to know to what extent he is authorized to search for concealed arms, and how he is to deal with those on whom they are found.

26th Feb. 1811.]

TO HENRY BRISCOE, ESQ.

CARRICK-ON-SUIR, CO. TIPPERARY.

IN reply to his letter of the 13th instant, to acquaint him, that although it is impossible for government to enter into compromise with persons under a charge of felony, or may have been guilty of such, that, nevertheless, if they deliver up their arms, &c., they will entitle themselves to the protection of government against prosecutions, for the taking such as are surrendered, provided the robbery was not attended with cruelty or personal violence. Enclosing a copy of the act for preventing improper persons keeping arms; in which he will find the answer to his queries on that subject.

24th Feb. 1811.]

FROM CONNELL O'DONEL, ESQ.

NEWPORTPRAT, CO. MAYO.

REQUESTING to be informed how far he is entitled, as a magistrate and yeomanry captain, to search for arms, of which he has got intelligence of a large quantity being in the hands of improper persons.

26th Feb. 1811.]

FROM A. JACOB, ESQ.

ENNISCORTHY.

ENCLOSING the circular letter of Mr. Hay, secretary to the Catholic committee, and stating that the Catholics of that town had all signed the petition previous to this letter being sent.



27th Feb. 1811.]

TO A. JACOB, ESQ.

ENNISCORTHY.

ACKNOWLEDGING his letter of the 26th instant, enclosing a circular, a printed one, from Mr. Edward Hay, secretary to the Catholic committee, which had been forwarded to Enniscorthy; and desiring he will state whether any of the three persons named therein have been appointed in consequence thereof, and if he knows who they are, and the manner of their appointment.

25th Feb. 1811.]

FROM PETER WOLFE, ESQ.

NAAS, CO. KILDARE.

SINCE his last communication, the person then alluded to has been through the most disaffected parts of the country, which seems daily to discover symptoms of a plot. There is a great quantity of arms in improper hands. Recommends restrictions in the sale of gunpowder. Suspects the canal turf-boats to convey arms from Dublin. Recommends Mr. William Mills, near Naas, as a trusty and confidential magistrate.

26th Feb. 1811.]

FROM MAJOR PRENDERGAST,

CLOGHEEN, CO. TIPPERARY.

ENCLOSING papers and information relative to the transaction at Ballyporeen, which Lord Lismore has taken up, and the clergy and inhabitants insist in pursuing the investigation. A Mr. Sutton, from the county Wexford (who was very hostile to Lord Ely's interest in that county), takes a very active part in the inquiry. Has committed two strangers to Clonmel gaol, under suspicious circumstances, which he details.

26th Feb. 1811.]

FROM H. LANGLEY, ESQ.

THURLES, CO. TIPPERARY.

HE has received assurances from some leaders of the Caravats, that they will return to their allegiance and surrender their arms, if they are insured the pardon and protection of government. Requests to know how he shall act. Enclosing a notice he that moment received, threatening him, in consequence of his putting the law in force against some of his tenants, who burned the ground.

28th Feb. 1811.]

TO H. LANGLEY, ESQ.

THURLES, CO. TIPPERARY.

ACQUAINTING him, in reply to his letter of the 26th instant, that government can come to no terms of compromise with persons who have been guilty of offences against the law. To the proposals alluded to, he will give that answer. Understanding, however, that where arms are surrendered, the government will not be disposed to institute any prosecution against the persons giving them up, provided the taking of them had not been accompanied with any act of cruelty.

MARCH, 1811.

1st March, 1811.]

TO WILLIAM DESPARD, ESQ.

CULLAN, CO. KILKENNY.

THANKING him for his communication of the 26th ultimo, and acquainting him that his son has been recommended by his Grace, to the Chancellor, for the commission of the peace for Kilkenny and Tipperary, which will be sent down to him as soon as made out.

2nd March, 1811.]

TO ROBERT GRUBB, ESQ.

CLONMEL, CO. TIPPERARY.

THANKING him for his communication of the 28th ultimo, and acquainting him that his suggestion as to the whippings being carried into execution in Clonmel, will be submitted to the Judges.

2nd March, 1811.]

TO H. ST. GEORGE COLE, ESQ.

ANNESTOWN, CO. WATERFORD.

IN reply to his letter of the 1st instant, reporting the attempt made to get possession of the guns and arms of a vessel wrecked near Annestown, which his prudent precautions prevented. To acquaint him of his Grace's thanks for this service, and to request that he will endeavour to discover the persons engaged in the attempt. Returning the threatening notice, and suggesting that as the fears of Pat Mallowney appear to offer him as a willing instrument of discovery, he may be employed in publishing the reward for private information. If Flavin can remain in the country, there will be no objection to bestow the gratuity on him;

nor if Connor is fit for the situation, to appoint him. Requesting his answer on the two last points.

2nd March, 1811.]

TO B. MAJOR SANKEY,  
MULLINGAR, CO. WESTMEATH.

ACKNOWLEDGING his report of the 1st instant, and to acquaint him he is at liberty to promise such reward as he may think reasonable to the soldier of the South Mayo regiment, upon his giving the intelligence of which he is supposed to be in possession.

2nd March, 1811.]

TO GEORGE SLATOR, ESQ.  
TULLAMORE, KING'S COUNTY.

THANKING him for his communication of the 1st instant, and requesting the list of arms he mentions. With respect to the publications in question, Mr. Cox is already in prison for one libel in the *Irish Magazine*, and has to abide the judgment of the King's Bench, in next term, for another; and it is hoped those measures will put an end to such mischievous productions. If, however, the persons to whom he alludes should again give circulation to the magazine of February last, it will be highly proper to desire some person to purchase it, and, without giving any intimation of the intention, to mark it, so as that its identity may be ascertained by him, if it shall be found necessary to produce it, in evidence, on a prosecution for the publication.

2nd March, 1811.]

TO R. J. ENRAGHT MOONEY, ESQ.  
MONTE GLENARRY, CO. WESTMEATH.

ACKNOWLEDGING his letter of the 28th ultimo, reporting an outrage committed on the property of Mr. Fitzgerald, vicar of the Seven Churches, and suggesting that in addition to the measures he has taken for securing him compensation for the injury, it will be desirable to try the effect of offering rewards for the discovery and conviction of the parties to the crime, and holding out small gratuities for private information. Those rewards to be made out in his own name, and will be reimbursed him.

2nd March, 1811.]

TO G. ATKINSON, ESQ.  
NEWRY, CO. DOWN.

THANKING him for his letter of the 28th ultimo, and to acquaint him, that he is authorised to offer rewards, as may be reasonable, for the discovery of the authors of the threatening notices.



1st March, 1811.]

FROM C. M. SKINNER, ESQ.

BELFAST, CO. ANTRIM.

HAVING for a long time had information of illegal meetings in that part of the country, hopes to be at last able to detect some of those concerned. Mentioning the names of the several persons he has reason to suspect, and proposing to employ a person, on whom he can depend, to find out their secrets.

3rd March, 1811.]

TO C. M. SKINNER, ESQ.

BELFAST, CO. ANTRIM.

His letter to the Chief Secretary has been communicated to the Lord Lieutenant; and expressing his Grace's thanks for the attention he has shown to the important inquiries entrusted to him by General Mitchell, and his approbation of the steps taken to render the young man he mentions instrumental to the discovery so important to obtain; and that he has the sanction of the government for the payment he has promised, and for any other expenditure, &c. A vigilant eye will be kept on the persons he mentioned, for ascertaining the cause of their meetings. He will be so good as to give a more particular description of names and abodes.

1st March, 1811.]

FROM W. IZOD, ESQ.

KILKENNY, CO. KILKENNY.

DETAILING the particulars of the execution, and that soon after the body of Quinlan was delivered to his friends, previous to which he (Mr. Izod), stated to them as strongly as possible that they would not have got the body but at the particular request of the prosecutor. A good number of the common people were assembled, but not the least appearance of any disposition to riot.

4th March, 1811.]

TO HENRY BRISCOE, ESQ.

CARRICK-ON-SUIR, CO. TIPPERARY.

IN reply to his letter of the 2nd instant, acquainting him, that although the certificate of the magistrates can of itself avail nothing, nor has any authority been given for the issuing of them, still, wherever an unequivocal proof of submission has been manifested by the surrender of arms, there would be a disinclination on the part of government to proceed against an offender on

account of taking such arms, unless his crime had been accompanied with circumstances of cruelty or peculiar outrage. If, therefore, any person surrendering arms, is charged with any other offence, it will be for the discretion of the magistrate to decide on the prudence of calling him to account for other offences, not of a heinous complexion, or are not unavoidably pressed upon his notice. Where there is no crime charged against an individual, nor any specific provision of the law which justifies the calling upon him to find security for his behaviour, &c., general character or report of his concern in breaches of the peace will not warrant that measure.

*3rd March, 1811.]*

FROM THOMAS J. RAWSON, ESQ.

TRIM, CO. MEATH.

His pro-collector, Mr. Allen, went into a house to warm himself; Father Swords, the parish priest, was very drunk, called him informer, &c.; made a fiddler play rebel tunes, &c. Several farmers have been robbed of sacks and winnowing sheets (but no corn), supposed for tents. The gauger at Kinnegad was lately abused, and his seizure rescued.

*4th March, 1811.]*

TO THOMAS J. RAWSON, ESQ.

TRIM, CO. MEATH.

ACKNOWLEDGING his letter of the 3rd instant, and expressing his Grace's thanks for the communication.

*3rd March, 1811.]*

FROM A. JACOB, ESQ.

ENNISCORTHY.

As soon as he can ascertain who the additional members of the committee are, besides those mentioned in Mr. Hay's circular letter, he will immediately communicate.

*5th March, 1811.]*

TO A. JACOB, ESQ.

ENNISCORTHY.

REQUESTING he will privately endeavour to procure the printed letters adverted to in his letter of the 26th ultimo, and transmit them, provided he can ascertain the day of their receipt, (as in that case only is the possession of them desirable,) and if he

can ascertain the persons, by name and description, to whom they were addressed, it will make the communication more valuable. Enclosing an extract from an anonymous letter from Wexford, reflecting on the conduct of Mr. Jacob.

*5th March, 1811.]*

TO THE SOLICITOR-GENERAL,

WATERFORD, CO. WATERFORD.

REQUESTING he will inform Dr. Power, R. C. Bishop of Waterford, that however anxious his Grace may feel to accede to any recommendation for the establishment of that order and tranquillity towards which Dr. Power's exertions have been so laudably contributed, he considers it impolitic, and also inconsistent with the sentiments avowed by government to similar propositions, to listen to any intercession on behalf of offenders, until they have given proof of their submission. He may, however, assure Dr. Power, that when arms have been surrendered, he is at liberty to offer his assurance that government will be disinclined to take proceedings against any individuals making the surrender, who had not been guilty of any peculiar atrocity, and whose subsequent deportment justifies the presumption that his submission was sincere.

*4th March, 1811.]*

FROM REV. N. HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

RECOMMENDING that John Browne and the Whelans, who are under sentence for execution, the 9th of March, may be still held over as hostages for the peace of the country.

*6th March, 1811.]*

TO REV. N. HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

IN reply to his letter of the 4th instant, informing him that a respite until Tuesday, the 9th of April, has been granted for Browne and the Whelans, as also for Dower, and that the extension of that respite may be expected, if the country remains tranquil.

*7th March, 1811.]*

FROM RICHARD WILLCOCKS,

CLONMEL.

STATING that in consequence of private information, he has been successful in getting some fire-arms. Will lose no time in



executing the commands respecting Mr. Barron's communication ; from the similitude of hand writing, he finds that Mr. Barron was the writer of the anonymous letter, (addressed to Sir C. Saxton) from Dungarvan.

8th March, 1811.]

FROM JOHN OGLE, ESQ.

FORKHILL, CO. ARMAGH.

STATING that he has lodged examinations against Patrick M'Kew ; and Corporal Tipping has done the same, which he now encloses. Reporting a numerous meeting of *United Irishmen* that is to take place that night at Keady, where three committees of them are to assemble, and that he will have a confidential person there to watch them. Will attend Monaghan assizes, and do all in his power to make an example of M'Kew.

9th March, 1811.]

TO JOHN OGLE, ESQ.

FORKHILL, CO. ARMAGH.

ACKNOWLEDGING his letter of the 8th instant, with its enclosures ; and observing that from the information which Tipping appears to have given, it is scarcely possible to collect how far he is entitled to credit ; however, if upon examination of him, he (Mr. Ogle) has been satisfied of his speaking the truth, and that illegal oaths have been tendered by M'Kew, he may be properly committed. Will be glad to receive sworn information of the other facts mentioned in his letter.

11th March, 1811.]

TO. W. G. PAUL, ESQ.

WATERFORD.

ENCLOSING a letter from Serjeant Moore, by which he will find that no specific charge has been made against Berry ; he is, however, very properly committed as a stranger, and as that is the case, it may be advisable to treat him under the act of the 50th G. III. c. 102., s. 7. rather than as a vagrant. ——— is detained for want of securities, and it is possible if Mr. Paul furnishes a description of him, it may lead to some further discovery respecting him.

10th March, 1811.]

FROM JAMES DAWSON, ESQ.

DUNDALK, CO. LOUTH.

SINCE Colonel Ogle's letter, M'Kew has been committed to Monaghan gaol. As he is not one of the council retained by the Crown Solicitor, he begs leave to decline attending the Monaghan assizes.

11th March, 1811.]

FROM JOHN OGLE, ESQ.

FORKHILL, CO. ARMAGH.

IN regard to the observation on Corporal Tipping's information, he refers to the copy of his and Joseph Fearon's, and in respect to M'Kew, requesting the late Mr. Secretary Trail's letter of the 21st of March, 1808, may be consulted:—as Mr. Dawson was his neighbour, and could consult with him with more confidence, he could have wished him to be employed. The meeting of United Irishmen at Keady fair was numerous, and three or four persons were sworn.

12th March, 1811.]

TO JOHN OGLE, ESQ.

FORKHILL, CO. ARMAGH.

IN reply to his letter of the 11th instant, to inform him that the several documents to which he refers, have been borne in mind, and it still seems that the reliance to be placed on the charges against M'Kew must depend on the manner in which the evidence is given, of which he is the only judge in this stage of the proceedings. Mr. Dawson has been written to in consequence of a letter from him.

11th March, 1811.]

FROM PETER WOLFE, ESQ.

NAAS, CO. KILDARE.

REPORTING that a number of persons armed, were seen assembled in the demesne of Dangan, and that the son of Mr. O'Connor was there dressed in green.

13th March, 1811.]

TO PETER WOLFE, ESQ.

NAAS, CO. KILDARE.

THANKING him for his communication of the 11th instant.

15th March, 1811.]

FROM REV. JOHN WHITTY,

BALTINGLASS, CO. WICKLOW.

ENCLOSING informations, which are the grounds that he has for supposing the state of the country alarming. Has no doubt but that the person named in Dunn's affidavit, was a messenger from the Dublin Catholic Committee. The peasantry all armed, and believes that some time ago, a general flame was ready to burst.

16th March, 1811.]

TO REV. JOHN WHITTY,

BALTINGLASS, CO. WICKLOW.

ACKNOWLEDGING his letter of 15th instant, with the depositions of Jeremiah Kinshela and Denis Dunn, and observing that it would be very satisfactory to ascertain whether the strangers mentioned in the affidavits, were known to have held the same language, or had any intercourse with others of the neighbourhood, besides the informants.

17th March, 1811.]

TO WELDON JORDAN, ESQ.

CASHEL, CO. TIPPERARY.

As it is apprehended he must have mistaken Mr. Serjeant Moore's conversation respecting the surrender of arms, no time is lost in acquainting him that the government cannot consent to enter into any compromise with, or sanction the offer of pardon to, criminals, in the manner which his notice imports. That to entitle themselves to mercy, offenders must have shown an unconditional submission. Of this, the surrender of arms, and the acknowledgment of their offences, would be considered as one of the weightiest proofs, and should their crimes not have extended to murder, burning, or acts of cruelty, government will feel little disposed to visit their past offences on them; and, subject to those restrictions, he is authorized to use his influence in encouraging the surrender of arms.

17th March, 1811.]

FROM REV. GEORGE LAMBERT,

ARDEE, CO. LOUTH.

HE is endeavouring by private means to find out the persons who might be employed to post the papers. Nothing of this sort has occurred in Louth; but there are some whispers about something at Carrickmacross, the truth of which he will find out.



18th March, 1811.]

TO REV. GEORGE LAMBERT,

ARDEE, CO. LOUTH.

THANKING him for his communication of the 17th instant.

17th March, 1811.]

FROM H. ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

ENCLOSING a letter from Dr. Power, Roman Catholic Bishop, who is to meet him and Mr. Langley at Dunhill Chapel, for the purpose of addressing the congregation. The recurrence of disturbance is not owing to any relaxation on the part of the magistrates. A crowd of men and women have just come from one townland in consequence of a notice served on them; proposing to place a corporal's guard for their protection. Does not think the execution of the four men now under sentence of death, will have any effect.

19th March, 1811.]

TO H. ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

IN reply to his letter of the 17th instant, respecting the recurrence of outrage, to express his Grace's approbation of the exertions, in conjunction with Mr. Langley, he has made for the preservation of the public peace, and hopes that, with the assistance of the Roman Catholic Bishop of Waterford, they will be able to check the licentious spirit that continues to manifest itself. The precaution of stationing the military party at — appears to have been called for, by the circumstances he has reported, and it is hoped its presence will excite the well disposed to give every assistance to the magistracy.

18th March, 1811.]

FROM GUSTAVUS ROCHFORD, ESQ.

MULLINGAR, CO. WESTMEATH.

ENCLOSING a list from some of the persons who received letters from Secretary Hay, put into the post-office by a serjeant in Mullingar, to whom they came. The letter returned to Mr. Fitzgerald, of which he gave intimation, may possibly discover what they are about. Giving an opinion of several persons whom he has reason to suspect. From all he can collect, their system is well arranged, and he is satisfied the statement made by Cane, the Mayo soldier, was the fact. There are a number of arms in improper hands, and does not know whether he shall proceed to take them or not.

19th March, 1811.]

TO GUSTAVUS ROCHFORD, ESQ.

MULLINGAR, CO. WESTMEATH.

ACKNOWLEDGING his letters of the 17th and 18th instant, acquainting him that the fate of the letter which he pointed out has not been ascertained; he will of course keep an attentive eye upon Rose. The meetings which appear to him to be still held in conformity with what was disclosed by the South Mayo private, will, of course, be strictly watched. It would not be advisable to make a general search and seizure of arms, unless a special notice of such intention, had been communicated by a previous warning, that it would be resorted to against all who did not register at the approaching sessions. The propriety of this measure will, however, depend on the state of the country, as the magistrates can, in individual cases, deprive improper persons of their arms.

19th March, 1811.]

FROM J. POLLOCK, ESQ.

NAVAN, CO. MEATH.

THREE notices, similar to the one he encloses, having been put on three chapels, he has taken measures to get at the authors. Enclosing a letter from Mr. Blackburne.

19th March, 1811.]

FROM OLIVER LATHAM, ESQ.

KILLENAULE, CO. TIPPERARY.

HAS offered rewards for the apprehension of some offenders, and for private information, in consequence of which he has been able to apprehend Denis Shea. Requesting twenty guineas to be sent him, for what he has expended. Wishes to know if he would be justified in taking up prosecutors, to keep them in a place of safety.

21st March, 1811.]

TO MR. SERJEANT MOORE,

WATERFORD, CO. WATERFORD.

ENCLOSING a letter, which places the conduct of the Roman Catholic Bishop of Waterford in so favourable a point of view, and to desire that, if an opportunity offers, he would apprise Dr. Power of the sense that is entertained of his disposition to assist the government, and of the readiness which the Lord Lieutenant feels to manifest it, by attending to any wish of Dr. Power that it is in his Grace's power to comply with. There were sent in great haste, by the last post, some papers relating to a transaction in

which Lord Llandaff does not appear to have acted as discreetly as he ought. It will be very desirable that government should have the result of his (Serjeant Moore's) investigation of the matter, before any opinion on his lordship's conduct is pronounced.

20th March, 1811.]

FROM A. JACOB, ESQ.

ENNISCORTHY.

Has just been informed, that a man of the appearance of a sailor, passed through the country on Tuesday along the sea coast, and told the people to be on the look out every night, as there were arms from France to be landed in the neighbourhood of Blackwater, and several other places mentioned, and that there is no doubt of a French invasion this summer; that the arms are packed up in chests, with ten stand each. Has sent a person to inquire through the country the sailor passed through, and he is to bring the names of all the persons whose houses the stranger stopped at. The people of the town and neighbourhood seem in dead silence.

21st March, 1811.]

TO A. JACOB, ESQ.

ENNISCORTHY.

His letter of the 20th instant has been received, and he is requested to use every effort to ascertain at what time and through what houses the sailor in question passed, and also with whom he conversed upon the subject, and more especially to endeavour to trace his steps, and in case of coming up with him to apprehend and commit him under the 50th Geo. III., c. 102, s. 7, provided he answers the description he has received respecting him; at all events, to apprehend and oblige him to find security. Requesting early information on this subject, and acquainting him that any expense he may incur in executing those instructions will be repaid.

18th March, 1811.]

FROM J. P. POE, ESQ.

CULLEN, CO. WATERFORD.

ENCLOSING informations of Walter Cummin, who, he had reason to suppose, could give him useful information, but was not aware of his being so deeply concerned, until he saw his informations. By the advice of Lord Desart and Serjeant Moore, he proceeded to apprehend all whom Cummin had sworn against, and only found



one at home, John Ryan. Cumin absconded, but he had him apprehended, as being concerned in felony ; but he will not now prosecute, depending on some protection he and some others have got from Lord Ormonde. Ryan and Keefe are both in Kilkenny gaol ; wishes to know how he shall act at the next assizes.

21st March, 1811.]

FROM JOHN POLLOCK, ESQ.

NAVAN, CO. MEATH.

STATING the measures that he has adopted for discovery of the persons concerned in posting threatening notices ; and requesting twenty guineas may be sent him, for the purposes he details in his letter.

22nd March, 1811.]

TO JOHN POLLOCK, ESQ.

NAVAN, CO. MEATH.

ENCLOSING twenty guineas to be disbursed as proposed in his letter of 21st instant.

24th March, 1811.]

FROM SERJEANT MOORE,

WATERFORD, CO. WATERFORD.

HE has communicated to Doctor Power, the sense his Grace entertains of his conduct, who seemed deeply sensible of the honour done him ; thinks there is every appearance of the insurgents being shortly subdued, or reclaimed, as a number of magistrates, priests, and private gentlemen have taken upon them to receive arms. He fears, in some instances, it may be injurious to the public interest and the orders of government. He has read to Doctor Power the precise terms on which government will receive the surrender, &c. ; mentions one or two outrages, as to guns being taken from a man shooting crows, &c., and detailing the particulars of the convictions at the assizes.

24th March, 1811.]

FROM A. JACOB, ESQ.

ENNISCORTHY, CO. WATERFORD.

THE person whom he has employed, reports, that the sailor made no delay ; stopped only for a short time at the house of William Masterson, of Ballygarret, and Martha Cullen, of Ballyvalden ; said he was going to Waterford, and from thence to the West of Ireland, where, he said, the most of the arms were to be landed : the vessel is not to put into port, but anchor off particular places.

Has a trusty person in the service of a farmer on the coast, to whom the first intelligence will come. Any plan that may be suggested for the better discovery of the business, shall be punctually executed.

24th March, 1811.]

FROM COLONEL OGLE,

FORKHILL, CO. ARMAGH,

ENCLOSING the examinations against Pat. M'Kew and Kelly, who were convicted at Monaghan assizes. Since M'Kew's conviction, a man of his late neighbourhood has claimed protection from Mr. Quin, acknowledging he had taken the United Irishman's oath. If government think fit to give any encouragement to that effect, many hundreds would come in. Recommends that Corporal Tipping should be discharged.

25th March, 1811.]

TO COLONEL OGLE,

FORKHILL, CO. ARMAGH,

ACKNOWLEDGING his letter of 24th instant, and expressing his Grace's thanks for his zeal and perseverance in the conviction of M'Kew and Kelly. The proposal respecting Tipping should not be carried into execution, until it is clear that no further discovery, and consequent prosecution can grow out of M'Kew's conviction. He is right in the presumption that no protection of a magistrate can supersede the law, and that persons now coming forward to acknowledge their concern in what appears a long concocted conspiracy, cannot expect much consideration, unless they put government in possession of the plans, parties, and principals of the conspiracy. To this effect, he should lose no time in communicating with Mr. Irvin, and satisfying him of the extent of the interference he has permission to promise; taking care that he understands that the government, after all, reserves to itself the right of judging in each individual case. He will, of course, take care of Tipping's personal safety, and inform him what subsistence will be requisite for him. An order will go this post for the removal of M'Kew to Dublin.

25th March, 1811.]

FROM H. ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

THE assizes have terminated; four, for the murder of Collins, found guilty and executed; and two, for the murder of Ryans. Magrath still under his wounds. Recommends that one hundred and fifty guineas be given to Flavin, to build a slated house.

25th March, 1811.]

FROM CAPTAIN HALL,  
THURLES, CO. TIPPERARY.

REQUESTING the riot and white-boy acts to be sent to him. In consequence of the town having illuminated, for General Matthew passing through it the day before, it became a scene of riot and tumult; and he (Captain Hall) was obliged to take most prompt and decisive measures for the dispersion of the mob.

25th March, 1811.]

FROM THE REV. M. PURCELL.  
CHARLEVILLE, CO. CORK.

SEVERAL gentlemen have thought it prudent to enter into subscriptions, to create a fund for rewarding such as may be able to apprehend, or give private information leading to the discovery of, offenders; recommending Liscarroll and Kanturk as proper places for a military station; requesting to be advised in what manner he shall apply for rewards to be paid by government.

28th March, 1811.]

TO THE REV. M. PURCELL.  
CHARLEVILLE, CO. CORK.

WITH respect to rewards, the magistrates will have the sanction of government, for the offer of such reasonable rewards as they may think the circumstances of the case demand, for discovery and conviction; and any sums they may be called upon to disburse on that account will be repaid on application. If it should be thought necessary for government to advance rewards for those who have or may assist in the apprehension of the ruffians, it will, of course, become the subject of distinct application.

27th March, 1811.]

FROM JOHN OGLE, ESQ.  
FORKHILL, CO. ARMAGH.

M:KEW has sent him word he will make discoveries; thinks it will be advisable for him to see him in Dublin; has written to Mr. Quin as to the extent of protection he has permission to promise; recommending soldiers to be stationed at Keady. In regard to Corporal Tipping, it might be of advantage to place him in a confidential situation; and being unknown in Dublin, he could mix with the disaffected.



29th March, 1811.]

FROM J. G. JACOB, ESQ.

KILLENAULE, CO. TIPPERARY.

JAMES FARRELL was, yesterday, found guilty, on the evidence of Catherine Delaney and Mary Crehan, who gave the fullest and fairest testimony, for which the grand jury have presented fifty pounds for each; submitting the expediency of government giving a greater reward to those two women, than what the law permits the grand jury to do. He has only had three pistols and two guns surrendered to him, and those from persons against whom riots and assaults have been sworn. Does not perceive the smallest disposition in the people to surrender arms.

## APRIL, 1811.

1st April, 1811.]

TO J. G. JACOB, ESQ.

KILLENAULE, CO. TIPPERARY.

THANKING him for his communication of the conviction of Farrell, and of the failure of the prosecution against Dwyer. With respect to the further remuneration of C. Delaney and Mary Crehan, to each of whom the grand jury have presented fifty pounds, suggesting, that at the time these sums become payable, if they shall be found insufficient to maintain these women, it will be full time to consider of the further demand their services may claim. For the present, no time should be lost in procuring a secure residence for them, and making such provision for their immediate support, as may be suitable to their condition in life; keeping in view the further aid they will receive from the presentments, and the disposition of government to protect them. Those who have delivered the few arms to him, do not come within the condition contained in letter of 28th ultimo. The circumstance will, in each case, have what weight it ought in the measure of punishment which shall hereafter be inflicted, in case the prosecutions should be proceeded in.

31st March, 1811.]

FROM SERJEANT MOORE,

CLONMEL, CO. TIPPERARY.

STATING the various circumstances which took place at the assizes, and enclosing a list of the several persons tried, their sentences, &c.; and stating that every observation he has made,

inclines him to form an opinion, that some amendment has already taken place in the dispositions and conduct of the people of that turbulent county. Upon the subject of surrendering of arms, has taken and will take every pains, to make the explanations government desires to be generally known.

2nd April, 1811.]

TO SERJEANT MOORE,

KILKENNY, CO. KILKENNY.

THE effective proceedings against offenders at Clonmel has afforded great satisfaction. The flattering symptoms that have begun to manifest themselves, it is hoped, will be promoted; and if the magistrates will be unanimous, vigilant, and active to preserve the peace which has been restored, more lasting tranquillity will be the result. With respect to the conditions for the surrender of arms, nothing more can be added, except that it is to be feared he will find as much difficulty in removing mistaken notions—as to the extent of their authority, that has the sanction of government—in Kilkenny, as he had elsewhere, especially between the two lords, who have a different feeling on the subject. It is well the Wexford regiment case has undergone a legal investigation, as it will quiet the clamour, and assist the government in its decision, on the merits of the representation made to it, in behalf of the military party.

2nd April, 1811.]

FROM R. J. ENRAGHT MOONEY, ESQ.

GLENNAVY, CO. WESTMEATH.

STATING that he has only been able to take up six stand of arms, and that there are one hundred and sixty stand in the neighbourhood of Ballycumber and Seven Churches in the hands of the very worst description of people. Enclosing informations of Mr. Shevington; but, from his character, he does not know how far they should be credited. Thinks Major Warburton may be able to give the real character of the parties. Reports the minds of the people to be much disturbed, and that they wish for aid from France. Some sheep, the property of M. A. Johnston, have been houghed. Requests a warrant to search for arms.

3rd April.—Since writing the above, has had a conversation with other magistrates, who all agree that some measures should speedily be taken, in taking the arms from those who hold them contrary to law.

4th April, 1811.]

TO H. LANGLEY, ESQ.

THURLES, CO. TIPPERARY.

IN reply to his letter of the 2nd instant, to acquaint him, that as Daniel Kearney, whose petition he transmitted, seems to be entitled to protection, he is desired to state in what manner he can best be taken care of—whether by some suitable situation, if he is qualified, or by removing him to a place of security. In the meantime, to request that he will furnish him with whatever may be necessary for his subsistence, which will be repaid him, as also any further sum he may advance, for his more permanent provision.

4th April, 1811.]

FROM R. LONGFIELD CONNOR, ESQ.

BANDON, CO. CORK.

HAVING come to the assizes, a tenant on his brother's estate brought him two notices, of which he encloses copies, which had been posted on his house in the night; has got a number of the neighbouring gentry to join in large rewards for the discovery of the persons concerned in posting such notices.

6th April, 1811.]

TO OLIVER LATHAM, ESQ.

KILLENAULE, CO. TIPPERARY.

IN reply to his letter of the 4th instant, to desire he will consult with the magistrates and gentlemen of his neighbourhood, as to the amount of remuneration which Dignam ought to have, and acquaint government with the result. In the meantime, he will afford protection and subsistence to him, which will be reimbursed on his furnishing the particulars. Approving of the offer of rewards as he proposes. The Lord Lieutenant has no ground for remitting the capital part of Langley's sentence.

6th April, 1811.]

TO A. H. JACOB, ESQ.

KILLENAULE, CO. TIPPERARY.

To desire he will state what he thinks ought to be the provision of C. Delaney and Mary Crehan, taking into consideration that they have been disappointed of relief by grand jury presentment; in the meantime to request he will subsist them in some place of safety, and render account of the expenses he has incurred.



4th April, 1811.]

FROM V. D. HUNT, ESQ.

CAPPAWHITE, CO. TIPPERARY.

REQUESTING £30 to be sent him for the use of Mary Crehan.

7th April, 1811.]

FROM WILLIAM BAKER, ESQ.

TIPPERARY, CO. TIPPERARY.

STATING that Michael Ryan, a notorious and desperate fellow, has been apprehended, and that he is indebted to the early intelligence and principal assistance, afforded him and his servants by Benjamin and Darby Hickey, whom he recommends to his Grace's attention; at the same time observing that a reward of £100 had been offered for taking this man, but such rewards are not *always paid—never quickly.*

10th April, 1811.]

TO WILLIAM BAKER, ESQ.

TIPPERARY, CO. TIPPERARY.

To desire he will state by whom, and in what terms, the reward of £100, mentioned in his letter, has been offered for the apprehension of Michael Ryan, and if it shall appear that the person he recommends, cannot in any event receive the benefit of it, the Lord Lieutenant will take into immediate consideration the recommendation he has made, and to which, it is his Grace's wish, he should add the amount which he thinks it right they should receive; if, on the contrary, they are entitled to the reward, or any part of it, it is necessary there should be an explicit understanding of their prospects, previous to any decision of their claims to remuneration.

7th April, 1811.]

FROM RICHARD CREAGHE, ESQ.

GOLDEN, CO. TIPPERARY.

MICHAEL GREADY, who is charged with appearing in arms and several offences, has offered to get in the arms of his party, if Mr. Creaghe will apply for his pardon. Soliciting a pardon for Timothy Dwýer, who was tried at the last commission for posting a notice; representing him to be an idiot, and that he has a large family.

10th April, 1811.]

TO RICHARD CREAGHE, ESQ.

GOLDEN, CO. TIPPERARY.

ACQUAINTING him that it is impossible to take Gready's case into consideration until he has submitted to justice, and therefore every exertion should be made for his apprehension. The proposal as to Ryan cannot be admitted, as government cannot consider the claim of an offender on any terms but unconditional surrender. A reference will be made to Lord Norbury respecting Dwyer, but his lordship seems to doubt his plea of idiotcy.

7th April, 1811.]

FROM CAPTAIN MATTHEWSON,

GLENARM, CO. ANTRIM.

THE circumstances stated in Daniel M'Clarty's information have not yet come to his knowledge, but from common report, there have been unlawful meetings frequently held in the district M'Clarty lives in, since the month of October, and guns fired every second or third night, as if to collect the disaffected at their places of rendezvous. Knows George Arsbill personally, and if authorized, will soon commit him to Carrickfergus gaol. Knows very little of M'Clarty,—in case he can collect any useful information will shortly communicate it.

10th April, 1811.]

TO CAPTAIN MATTHEWSON,

GLENARM, CO. ANTRIM.

IN reply to his letter of the 7th instant, observing, that as it appears by the reports he has received, and the concurrent testimony of two of his yeomen, that there may be a foundation for M'Clarty's statement, no time should be lost in ascertaining the truth of what he has advanced; for this purpose, it seems desirable, that, omitting for the present to take any steps against Arsbill, and continuing to maintain the strictest secrecy, he should endeavour to prevail with some trusty person to give his apparent consent and co-operation to their projects, until the objects of the meeting, &c., are developed,—any expense he shall incur will be repaid, and requesting to hear from time to time any particulars he may learn.

9th April, 1811.]

FROM OLIVER LATHAM, ESQ.

KILLENAULE, CO. TIPPERARY.

STATING that he had communicated with the different magistrates and gentlemen, who all concur in thinking that £50 is the lowest sum Pat. Dignam should be paid for his loyalty.

9th April, 1811.]

FROM MICHAEL KEANE, ESQ.

CAPPOQUIN, CO. WATERFORD.

IN consequence of private information, that Bryan was concealed near Killeagh, he despatched William Fitzmaurice to that place, and who, at the hazard of his life, brought Bryan a prisoner, and he is now in Waterford gaol; in consequence of which, and his other services, he commends him to the consideration of his Grace. Enclosing the confession which John Bryan made to him, at the same time he held out no inducement whatsoever to him to make any discovery.

11th April, 1811.]

TO MICHAEL KEANE, ESQ,

CAPPOQUIN, CO. WATERFORD.

THANKING him for his letter of the 9th instant, regarding his opinion as to the extent of remuneration Mr. Fitzmaurice is entitled to; approving of his conduct towards Bryan; the advantage to be taken of his disposition to disclose, must depend upon the use that might be made of his testimony, as well as the prospect of bringing him to punishment; his crime is of such a nature, that if the evidence is clear against him, his prosecution cannot be avoided; if, however, his conviction is uncertain, endeavours should be made, to ascertain if those who have suffered can identify the offenders; no hope of favour to be held to Bryan. Requesting to know the result of these enquiries.

13th April, 1811.]

TO THE REV. N. HERBERT,

CARRICK-ON-SUIR, CO. TIPPERARY.

ENCLOSING copies of the examination of John Bryan, taken before two magistrates of Co. Waterford, and of a letter from one of those gentlemen; he (Mr. H.) will best judge how far what he has said can be confided in, and he will conduct himself accordingly; remarking, however, that it proceeds from a man who has no hope of escape for himself, and who may feel exasperation



against the accusers of his accomplices in guilt, and is interested in throwing discontent on the proceedings of courts of justice.

13th April, 1811.]

TO HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

LIKE letter and enclosures as that to Mr. Herbert.

13th April, 1811.]

TO SAME.

IN reply to his letter of the 10th instant, to acquaint him, that if he can ascertain that Hogan wishes to go to Cheek Point, he may be exchanged with Connors, and that placing Connors in the passage barge, was for the purpose of bringing him as near Cheek Point as possible.

13th April, 1811.]

FROM MORGAN KENNEDY, ESQ.

DUNGARVON, CO. WATERFORD.

STATING that on John Bryan, being brought in a prisoner, he had sent for him (Mr. K.) and mentioned that as he had no chance of pardon, he wished to ease his conscience, in consequence of which he took his information, (which he encloses) in the presence of Captain Morten of the Leitrim Militia; that some strong circumstances concur in leading him to believe them true, and that it appears Patrick Bryan, for the purpose of saving himself and his brother, prosecuted, at last assizes for Waterford, four men to conviction, and who were executed for the same; recommending that copies of their informations should be sent to Major Cole and Mr. Herbert.

11th April, 1811.]

FROM H. LANGLEY, ESQ.

THURLES, CO. TIPPERARY.

RECOMMENDING that either £200 should be given to Daniel Keane, to establish himself at Thurles, or an annuity of £20.

16th April, 1811.]

TO MAJOR PRENDERGAST,

CLOGHEEN, CO. TIPPERARY.

ENCLOSING him £86 9s. 0d., being the amount of the advances made by him for the apprehension of offenders; to desire that he

will take care that Kennedy is settled in some place of security, for which he may call for any sum that may be necessary, and signifying his Grace's particular acknowledgements for his zeal, &c. &c.

16th April, 1811.]

TO LIEUTENANT-COLONEL ARMSTRONG,

SLANE, CO. MEATH.

ACKNOWLEDGING his letters of the 14th and 15th instant, the latter reporting outrages, and the former enclosing threatening notices, which have been shown to the Attorney-General, who, notwithstanding the strong similarity of hand-writing, thinks "there is not legal evidence against the suspected person, and that the magistrates should endeavour to procure a witness, who can swear to the hand-writing, and any other evidence that can be had, and suspend their proceedings in the mean time."

With respect to the outrages near Gormanstown, the magistrates should lose no time in procuring affidavits of the facts, and consulting the best means of preventing a recurrence of such offences, in furtherance of which they have the sanction of government for offering rewards, &c. ; besides, if the civil power is inadequate, a communication will be had with the Commander of the Forces for such military aid as may be requisite. In the meantime, the commanding officer of the district has directions to give the assistance of the troops. He is, perhaps, aware that to the force already at Garrestown and Balbriggan, it is proposed to station a detachment at Ardcastle; will be glad to receive copies of any depositions that may be taken; and recommending that the deponents should always be closely examined as to their knowledge of the perpetrators.

16th April, 1811.]

FROM HENRY ST. G. COLE, ESQ.

WATERFORD, CO. WATERFORD.

COMMENTING at great length on the conduct of Mr. Morgan Kennedy, in taking the informations of, and recommending, John Bryan. Requesting that Judge Fox may be inquired of, with respect to the declaration made by Kearney in the dock, when found guilty, which clearly shows the falsity of Bryan's testimony.

18th April, 1811.]

FROM LIEUTENANT-COLONEL ARMSTRONG.

SLANE, CO. MEATH.

STATING the difficulty he finds in getting information, as what they tell in confidence (as they suppose) to one of themselves

they deny the next moment to the magistrates. As an instance, he encloses an affidavit taken the day before ; but when Vahey was brought forward he denied every article of it, and said he must have been drunk, if he had said what the affidavit set forth ; but that he did say so, he (Colonel Armstrong) has no doubt. Mr. Fisher had both Vahey and Corry in custody, and went through the ceremony of taking their affidavits, but to no purpose. Is very glad to hear of a party being stationed at Ardcastle.

19th April, 1811.]

TO MAJOR-GENERAL HART,

LONDONDERRY, CO. LONDONDERRY.

THANKING him for his letter of the 14th instant, and coinciding with him in the reasons given by Cornelius, against associating any one of his own regiment with him, in the detection to be made. This difficulty, it is to be hoped, will be overcome by application to Sir G. Hill and the Bishop of Derry, who will probably supply some trustworthy person. The introduction of Cornelius at — is an additional cause for exertion. Will be obliged by his sentiments, and those whom he consults.

17th April, 1811.]

FROM LORD TYRAWLEY,

CASTLE LACKEN, CO. MAYO.

REQUESTING that £20 a year may be allowed to the Rev. Mr. Magee, a priest, whose conduct has been most meritorious, to whom in a great measure is owing the return of peace and tranquillity to his neighbourhood.

20th April, 1811.]

TO LORD TYRAWLEY,

CASTLE LACKEN, CO. MAYO.

IN consequence of his recommendation that Mr. Magee, a priest, who, by his communications, has enabled his lordship to keep a vigilant eye on the peace and order of his county, should receive some remuneration. His Grace approves of £20 annually being applied to him, so long as he continues to perform similar services.

20th April, 1811.]

FROM RICHARD CREAGHE, ESQ.

GOLDEN, CO. TIPPERARY.

SINCE he last wrote, the Rev. Mr. Bergan has got in five stand of arms. Recommending that some small gratuity should be given



to him, as he has always been ready in assisting and getting information.

23rd April, 1811.]

TO RICHARD CREAGHE, ESQ.

GOLDEN, CO. TIPPERARY.

IN consequence of his letter of the 20th instant, recommending the Rev. Mr. Bergan (a priest) to his Grace's consideration, twenty guineas is now enclosed to be given by him to Mr. Bergan.

20th April, 1811.]

FORM HENRY ST. G. COLE, ESQ.

WATERFORD, CO. WATERFORD.

REQUESTING that his letter of 16th instant may be destroyed. Since coming to Waterford gaol, John Bryan has requested to see him and Mr. Humble, and if he sends any good reason for it they will go to him; but nothing short of his desiring to recant his informations, lodged before Mr. Kennedy and Captain Moreton, will induce him to go near him. Acknowledging receipt of £20, which he has given to the priest of the parish, who will publicly hand it to the constable's daughters, at chapel. Enclosing James Hogan's letter, which will remove the difficulty of E. Connors' removal to Cheek Point.

23rd April, 1811.]

TO HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

His letter of 16th instant is among private papers, where it will be perfectly secure against any disclosure of its contents. The course he intends to pursue, with respect to Bryan, seems most eligible, considering the uncasiness his declaration has given already. His recantation should be encouraged as much as possible, without letting him perceive they have the least weight on any one. His Grace has consented to the exchange between Hogan and Connors.

23rd April, 1811.]

TO JAMES DAWSON, ESQ.

FORKHILL, CO. ARMAGH.

REQUESTING he will acquaint whether any thing has come to his knowledge respecting a person of the name of Dixon, a Presby-

terian minister, who is represented to have been active in disseminating mischief in the neighbourhood of Keady, and that he will cause a watchful eye to be kept on him.

27th April, 1811.]

FROM ARTHUR ACHMUTY, ESQ.

KILMORE, CO. OF CAVAN.

No depositions relative to thrashing, &c., have been made before him : and reports his part of the county to be in perfect tranquillity.

24th April, 1811.]

TO MAJOR-GENERAL HART,

LONDONDERRY, CO. LONDONDERRY.

SIR GEORGE HILL'S letter of 22nd instant has been received, in which he sets forth the course which it is presumed, in concurrence with him and the Bishop of Derry, it is proposed to adopt, in consequence of Corporal Cornelius's information. Acquainting him that a conference with the law officers has been had, in consequence of which he is now apprized of their opinion, and is desired to stay all proceedings, until the sworn informations of Cornelius have been transmitted to government, and his Grace's directions thereupon communicated.

He is requested to communicate this letter to the Bishop of Derry and Sir G. Hill.

26th April, 1811.]

FROM COLONEL OGLE,

FORKHILL, CO. ARMAGH.

STATING, that in the *Freeman's Journal* of the 17th April, he had read a paragraph asserting that the affidavits against M'Kew and Kelly were forged by government, &c. And also stating that the rector of the parish and a magistrate has repeatedly said that the examinations in question were *fabricated*, and that he is endeavouring to invalidate the testimony of the witnesses. He (Mr. Ogle) thinking this so serious an offence, has acquainted the Primate of the circumstance, and also taken legal steps to obtain redress, and expects to be supported by government ; has authorised Fearon and his son to keep arms for their protection. A person named Muchegan was sworn in an *United Irishman* at Drogheda by Hagan. Corporal Tipping states much disaffection to prevail at Newry, but great caution observed since the late convictions in the North. Wishes to know what the intentions of

government arc with respect to Corporal Tipping; thinks he would be useful in Dublin.

27th April, 1811.]

TO COLONEL OGLE,

FORKHILL, CO. ARMAGH,

ACKNOWLEDGING receipt of his letter of 26th instant, adverting to a paragraph in the *Freeman's Journal*, announcing that the prosecution of M'Kew and Kelly at the last Monaghan assizes was founded on suspicious evidence. This insinuation will no doubt be satisfactorily refuted by the disclosure that Fearon will make, which it is expected will give a full insight into all the proceedings in which he has been concerned. It seems he should take speedy measures for his removal to a place of security, previous to which he should take his depositions, &c., or send them up to town for the inspection of the law officers. With respect to the misconduct of the rector of the parish, he has adopted the most proper course in acquainting the Primate, but no opinion can be formed of this offence against law. From the brief statement he has furnished, as to the ultimate disposal of Fearon, it will not be possible to decide at present. Shall be glad to hear from Newry. M'Kew still persists in asserting his innocence, and has not made any communication of moment.

26th April, 1811.]

FROM R. E. S. ENRAGHT MOONEY, ESQ.

GLENNAVY, CO. WESTMEATH.

INFORMING, that one of the most forward of the rioters of Seven Churches, had come to his house in his absence, and given up his arms, but would not give up himself; that Mr. Shevington declares his expectations that government will reward him for what he has done, from which circumstance it is feared his testimony cannot be much relied on. The person whom he implicates is a most industrious poor man. Enclosing a certificate, and requesting a search warrant.

29th April, 1811.]

TO R. E. S. ENRAGHT MOONEY, ESQ.

GLENNAVY, CO. WESTMEATH.

IN reply to his letter of 26th instant, it is to be wished that the rioter at the Seven Churches who has given up his arms, had also been brought in reach of the law, and as he is known, it is trusted his exertions will ultimately succeed in apprehending him. What



he has already observed respecting Mr. Shevington, seems to render it very unadvisable to act on his communication. Enclosing a second certificate for the search of arms, and directing how it shall be filled.

27th April, 1811.]

FROM MAJOR PRENDERGAST,

CLOGHEEN, CO. TIPPERARY.

IN reply to letter of 24th instant, does not know how the claims of Hewton came not to be mentioned equally with Moore and Prendergast; thinks him deserving of £50.

30th April, 1811.]

TO MAJOR PRENDERGAST,

CLOGHEEN, CO. TIPPERRRY.

INFORMING him that a sum of £50, or £10 per annum, whichever he prefers, will be given to Hewton.

28th April, 1811.]

FROM THE BISHOP OF ELPHIN,

ELPHIN, CO. ROSCOMMON.

REQUESTING to know what form is necessary to search for arms, under provision of Act 50 George III.

30th April, 1811.]

TO THE BISHOP OF ELPHIN,

ELPHIN, CO. ROSCOMMON.

ENCLOSING a blank certificate, with directions for it being filled, and also a copy of the arms act.

MAY, 1811.

6th May, 1811.]

TO THE EARL OF LLANDAFF,

TIPPERARY, CO. TIPPERARY.

INFORMING his lordship, that in consequence of a communication to government, Mr. Serjeant Moore had been directed, at the last assizes for the county of Tipperary, to investigate the case relative to three men who were indicted for assuming the name of Curran, and violently assaulting a man of the name of Kerr; and

from his report, it appearing, that in October, 1809, Michael Dwyer, John Dwyer, and Timothy Handley were committed to the gaol of Clonmel, charged with the above outrage, but in November following discharged, by virtue of an instrument under the hand and seal of Lord Llandaff, directed to the keeper of the gaol, and reciting, that his lordship had received sufficient sureties for the appearance of those persons at the next assizes for said county to abide their trial. That the clerk of the crown prepared bills of indictment, which were found at a quarter sessions at Cashel, in July, 1810, on the aforesaid charges; and crown summonses served, and by them disobeyed; and at the end of August, or beginning of September, they were apprehended by virtue of the crown *capias*, whereupon an instrument was produced, dated 5th of August, 1810, under his lordship's hand and seal, writing as above, respecting the appearance of said persons at next Cashel sessions, &c., and concluding, "These are, therefore, in his Majesty's name, commanding and charging you, and each of you, that you utterly forbear and cease, on sight hereof, to take, molest, or imprison the said persons;" and if so imprisoned, &c., "you are, on sight hereof, to release them," &c., &c. That they have never come in to stand their trials, and that no bail appears to have been taken for their appearance; and acquainting his lordship, that before his Grace comes to any conclusion on this subject, his personal respect for his lordship induces him to direct this communication of the circumstances, in order to give his lordship an opportunity of offering an explanation.

May 7th, 1811.]

FROM JAMES DAWSON, ESQ.

FORKHILL LODGE, CO. ARMAGH.

ACKNOWLEDGING letter of the 23rd ultimo. Has made every inquiry respecting "*Doctor Dickson*," and finds that he is a most turbulent, disaffected, and disloyal man. Adds that there are several townlands in the parish of Derrynoose where arms are concealed.

11th May, 1811.]

FROM JOHN BOYLE, ESQ.

NEWTOWN LIMAVADY, CO. LONDONDERRY.

RESPECTING Edward Lafferty's offer to swear against R. O. Fairy, and his sons, being standard or ribbonmen whom he met with a party returning from a nightly meeting. He declined giving information before a magistrate (three miles distant); promised to come to Newtown next evening, but had not done so; his character not being the best. Mr. Boyle adds, that he has reason to think the above system is widely extended.

16th May, 1811.]

FROM ROBERT GRUBB, ESQ.

CLONMEL, CO. TIPPERRAY.

HAS engaged in three or four prosecutions, the expense of which does not exceed five or six guineas; has gone to trifling expense to procure the arrest of John Murphy, indicted for the murder of Mulcahy. Has not yet removed the woman, whose information he sent copy of, and who is still protected by three soldiers in her own house. Mentions one Denis Spain, who has been twice whipped at Borrisoleigh, but is now so reduced, and in such a declining state of health, that he recommends his removal from prison, and that the remainder of his sentence to confinement may be remitted.

17th May, 1811.]

TO ROBERT GRUBB, ESQ.

CLONMEL, CO. TIPPERRARY.

ACKNOWLEDGING his letter of the 16th instant; thanking him for his communication; expressing approbation of the expenditure he has incurred, of which it is wished to have an account, as soon as he has provided for the witness he mentions, in order that directions may be given for his repayment; and acquainting him, with respect to Spain, it seems desirable that he should not be set at large, as from the infirm state of his health more attention can be paid to him in the hospital of the prison.

14th and 15th May, 1811.]

FROM HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

MENTIONING the arrest of Bryan, by Fitzmaurice and Tobin, and demand for one hundred pounds, as a reward for the same; and also, that he had committed Michael Walsh to the county gaol for endeavouring to seduce two soldiers of the Leitrim militia from their allegiance.

18th May, 1811.]

TO OLIVER STOKES, ESQ.

LISTOWEL, CO. KERRY.

ACKNOWLEDGING his letter of the 14th instant, enclosing (in compliance with his opinion) one hundred pounds, to be paid to Maurice Connell, in compensation for his losses, and in reward for his conduct in bringing offenders to justice.



JUNE, 1811.

1st June, 1811.]

TO HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

SIGNIFYING to him, his Grace's approbation of his remaining in the country, until it is seen whether the outrages, alluded to in his letter of the 30th ultimo, are the acts of a few desperate criminals, or connected with a more general plan of mischief. To desire he will state the result of his inquiries to the several occurrences mentioned in his letter.

6th June, 1811.]

TO MAJOR PRENDERGAST,

CLOGHEEN, CO. TIPPERARY.

ACKNOWLEDGING his letter of the 3rd instant; and expressing his Grace's thanks for his endeavours to apprehend the conspirators against the life of Fitzpatrick, the Hearthmoney collector; and observing that it would be extremely desirable to entrap them into such an attempt to effect their purpose, as should bring them within the reach of the law; but without knowing the extent of Mr. Bushe's information, and the use he is at liberty to make of it, it is not possible to form any idea of the manner in which it should be done. The proper measures shall be taken for having his absence from military duty excused. Major Prendergast will have the goodness to acquaint Mr. Fitzpatrick with the substance of the above communication, confirmed by the Lord Lieutenant's desire, in answer to his letter of the 3rd instant, to his Grace; that if it becomes necessary he should be attended by a military force in the collection of the taxes, that he should, with the sanction of the neighbouring magistrates, make his application to that effect, to the commanding officer of the district.

6th June, 1811.]

FROM HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

STATING that he had offered twenty guineas reward to an informer, to set Walsh and Jordans for him, and requesting to know if it will be approved of; and recommending ten guineas to be given to Edward Connors, until he should be appointed boatman at Cheek Point, of which he has as yet received no notice from the board.

7th June, 1811.]

TO HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

ACKNOWLEDGING his letter of the 6th instant, and enclosing him fifty guineas, the particulars of which sum, as well as the like formerly advanced to him, he is requested to furnish as soon as convenient: approving of his offering a reward of twenty guineas to his informer for the services he has undertaken to perform, and of his advancing to Connors whatever may be necessary for his subsistence, until his appointment at Cheek Point takes effect, the reason of the delay of which shall be inquired into.

12th June, 1811.]

TO JAMES LANGTON, ESQ.

CHARLEVILLE, CO. CORK.

ACKNOWLEDGING his letter of the 10th instant, and acquainting him that any sums he may find it useful to disburse for private information will be repaid: the amount must, in some degree, depend on the particular circumstance of the case. In that to which his letter refers, ten or twelve guineas, perhaps—if the charge against the Carrolls is direct and positive—might not be too much to expend on their being lodged in prison. It is trusted he will take care the witnesses are not exposed to risk of personal safety, or chance of being deterred from following up the prosecution of the offenders.

10th June, 1811.]

FROM MAJOR PONSONBY,

LISTOWEL, CO. KERRY.

STATING, at some length, his apprehensions that he may have been misrepresented to government.

19th June, 1811.]

FROM FRANCIS MANSFIELD, ESQ.

LETTERKENNY, CO. DONEGAL.

DETAILING the circumstances which occasion the apprehension of some dreadful outrages taking place on the 12th of July, between the Orangemen and Catholics, if not prevented by the presence of a large military force.

22nd June, 1811.]

TO FRANCIS MANSFIELD, ESQ.

LETTERKENNY, CO. DONEGAL.

ACKNOWLEDGING his letter of the 19th instant, and informing him that in consequence of representations made to government, respecting the hostility of the Orangemen and Catholics in Letterkenny and that quarter, his Grace has sent detachments of troops to that place, Raphoe, &c., and whose presence, it is hoped, will be sufficient to prevent mischief, even if the Orangemen should persist in parading, and there should exist in the Catholics a disposition to oppose it; expressing satisfaction at the anxiety of the magistrates to prepare against any violation of the law, &c.

24th June, 1811.]

TO G. HOMAN, ESQ.

LETTERKENNY, CO. DONEGAL.

ACKNOWLEDGING the receipt of a letter, signed by him and by Mr. R. Ball, and acquainting him that reinforcements of troops have been sent into the country, along the shores of Lough Swilly, in consequence of representations from the general officers of the district, and the magistrates in that quarter, from which it was apprehended that the animosity between Orangemen and Catholics might, on the 1st and 12th of July, break out into violence; but that it was not understood from the intended processions and parades that any ulterior object was in view; requesting he will confer with the neighbouring magistrates, and procure any authentic information that may corroborate his statement, and transmit it.

15th June, 1811.]

TO MAJOR PONSONBY,

LISTOWEL, CO. KERRY.

ACQUAINTING him, that the observations contained in the letter of the 29th ultimo, to which he has thought it necessary to reply, were not made in consequence of any representation to government with respect to his conduct on the occasion alluded to; but were merely the repetition of a communication, which, in many instances, it had been found requisite to make to magistrates in different parts of the country.

22nd June, 1811.]

FROM G. HOMAN AND R. BALL, ESQRS.

LETTERKENNY, CO. DONEGAL.

STATING their fear of disturbance taking place on the 12th of July, similar to the accounts of Mr. Mansfield.



25th June, 1811.]

TO MAJOR PRENDERGAST,

CLONMEL, CO. TIPPERARY.

ACKNOWLEDGING his letter of the 23rd instant, and its enclosures ; approving of his placing the witness Fleming in a place of security, and affording him necessary subsistence. With respect to reward, it would be better to postpone making him any offer or promise of that nature, until after his testimony shall have been put to the proof on Mallowney's trial.

27th June, 1811.]

FROM SIR GEORGE HILL,

LONDONDERRY, CO. LONDONDERRY.

DETAILING the particulars which occurred at the meeting of the magistrates and gentlemen at Letterkenny, in conjunction with Sir Charles Asgill, and enclosing the resolutions they entered into.

29th June, 1811.]

TO SIR GEORGE HILL,

LONDONDERRY, CO. LONDONDERRY.

THANKING him for his letter of the 27th instant, reporting the steps that have been taken by the magistrates of Donegal, in conjunction with Sir Charles Asgill, to prevent the mischief that is apprehended. The resolutions he enclosed, appear calculated to put down any attempts at violence in the commencement, if not entirely to prostrate its occurrence.

28th June, 1811.]

FROM EARL ANNESLEY,

CASTLEWILLAN, CO. DOWN.

STATING, that having received information of the priest of the parish of Hilltown, charging him with promoting thrashers ; and that, in conjunction with one M'Donell (who had been a rebel in '98, and got a pardon), he was promoting rebellion, and that his freemason parishioners are ready to come forward to make good these charges. He (Lord Annesley) wishes to be informed how he should act.

29th June, 1811.]

TO EARL ANNESLEY,

CASTLEWILLAN, CO. DOWN.

ACKNOWLEDGING his letter of the 28th instant, and returning his Grace's thanks, as well for the communication as for the caution

his lordship is so solicitous to observe, in proceeding criminally, where the situation and profession of the accused ought to furnish a presumption of his innocence. The nature of the charges preferred against the priest in question, and the means which his lordship appears to have for bringing them home to him, render it less advisable to state the whole matter to the heads of the Catholic clergy than it might, perhaps, otherwise have been. The precise mode, however, which ought to be pursued cannot well be decided on until the informations are regularly sworn, and transmitted to the Lord Lieutenant's consideration, when this shall be done, agreeably to the Attorney-General's advice, with as much privacy as possible. The interval between the taking and acting on the depositions will be so short as neither to hazard the escape of the parties accused, nor lead to a supposition that there exists any disinclination to punish a violation of the law. Requesting he will lose no time in forwarding copies of affidavits in support of the complaint his letter alludes to.

END OF JUNE, 1811.





# PRÉCIS

OF

CORRESPONDENCE WITH MAGISTRATES, &c.

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PART II.—JULY TO DECEMBER, 1812.

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30th June, 1812.]

FROM H. ST. G. COLE, ESQ.

WATERFORD, CO. WATERFORD.

STATING that he was going to collect evidence, respecting the murder of James Power; and that the county is so universally quiet, that the dragoons may be removed, and that he had not employed them but on the public service, which he can prove, and requests the affair may be investigated.

1st July, 1812.]

TO H. ST. G. COLE, ESQ.

WATERFORD, CO. WATERFORD.

IN reply to his letter of the 30th ultimo, observing, that it seems only to be necessary that he should send proofs that there was no misapplication of the force placed at his disposal.

29th June, 1812.]

FROM MAJOR-GENERAL BURNET,

STRABANE, CO. TYRONE.

REPORTING that a few days after Mr. Berger had been making observations in the neighbourhood of Knockala Fort, he was seen taking the heights in the rear of a work now erecting on a point on the Island of Inch; and that he appears to be far wandering from the avowed object of his visit to Ireland.

1st July, 1812.]

TO MAJOR-GENERAL BURNET,

STRABANE, CO. TYRONE.

ACKNOWLEDGING his letter of the 29th ultimo, enclosing one from Lieutenant-Colonel Johnson; observing that it is very satisfactory to know that such an occurrence, (M'Bride's death,)

is entirely attributed to accident; however, it is presumed that the due course of legal investigation will be pursued for the purpose of authenticating the circumstances attending it. Thanking him for his communication respecting Mr. Berger, to whose movements attention will be given.

1st July, 1812.]

TO REV. EDWARD CHICHESTER,

LONDONDERRY.

REQUESTING his attention to the movements of a foreigner, who had been permitted some months back to come to Ireland, solely for the purpose of pursuing his geological researches, but who is said to be making observations near Knockala Fort, taking heights in the rear of a work now erecting on a point of the island of Inch, in Lough Swilly.

28th June, 1812.]

FROM MARTIN GRANNET, ESQ.

MIDDLETON.

STATING that some hundreds of the lower orders assemble every night, styling themselves Caravats, and commit various outrages.

2nd July, 1812.]

FROM A. JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

STATING that he has just heard that pikes of a new form were making from one sent from Birmingham, and requesting to know if any information of a similar kind from any other part of the kingdom has been received.

3rd July, 1812.]

TO A. JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

ACKNOWLEDGING his letter of the day before, and acquainting him that the information he has received respecting the preparation and construction of a new species of pike is entirely new, and that there is no reason for apprehending that there exists in any part of the country a design of the nature such preparation would imply; requesting, however, that he will probe his intelligence to the bottom.

3rd July, 1812.]

TO COLONEL WOLFE,

NAAS, CO. KILDARE.

ENCLOSING the substance of a communication, which states that something is going on in the neighbourhood of Allen, Blackwood,

and Hodgestown, in the county of Kildare; something was said on the subject, by the parish priest of Rathcoffy, from the altar, but was not relished by the congregation. Matthew Cusack of Blackwood, should be watched; it is stated that pikes are making in the upper part of Kildare.

1st July, 1812.]

FROM CHARLES COSTELLO, ESQ.

BALLAGHADEREEN, CO. MAYO.

ENCLOSING Gurrans's statement, given on the 28th of June, and remarking that he was not in the least satisfied with it, but that he promised to come the following day with many other documents, instead of which he has absconded towards Dublin; encloses his description. Requesting an order to be sent for accommodation to be given to Thomas Mulligan, the informer, in the barracks.

2nd July, 1812.]

FROM EDWARD WILSON, ESQ.

ROSCOMMON, CO. ROSCOMMON.

REPORTING that he has been endeavouring to apprehend fellows who go about collecting money to defend the Threshers now in gaol; and that on the night of the 1st instant, the house of D. Hanley was broken into, and himself sworn to be up to Captain Thresher's laws, and had beat him violently, and destroyed his house, &c.; that he has sworn positively against three of the persons, one of whom has been lodged in gaol. Recommends Hanley being protected.

4th July, 1812.]

TO EDWARD WILSON, ESQ.

ROSCOMMON, CO. ROSCOMMON.

IN reply to his letter of the 2nd instant, requesting he will give such protection and subsistence to Hanley and his family as circumstances may require; but the subject of future remuneration will be more properly considered, after his conduct on the trial of Dunhed and others; hoping that the usual grounds for application, at the next assizes, for compensation on account of his losses, will be stated.

6th July, 1812.]

TO THE BISHOP OF LIMERICK,

LIMERICK, CO. LIMERICK.

ACKNOWLEDGING his letter of the 4th instant, and returning its enclosure, in order that no time may be lost in obtaining the signatures of the magistrates to the offer of rewards, &c. With



respect to issuing a proclamation, it is impossible that any steps can be taken until attested copies, of whatever information can be procured relative to the fact, shall be in possession of government; of which he is requested to apprize Mr. Blennerhasset, and to desire him to be careful that the affidavits contain an express denial of any knowledge, or suspicion of the persons by whom the criminal acts were committed; and as soon as this has been done, his Grace will consider whether the case should be submitted to the Privy Council.

*4th July, 1812.]*

FROM THE RIGHT HON. J. O. VANDELEUR,

KILRUSH, CO. CLARE.

STATING that he had been informed by the parish priest of several persons having been flogged and robbed of arms. A threatening notice, posted on his (the priest's) door, in consequence of his having exhorted them to refrain from such proceedings; that the priest thinks there is a great quantity of arms concealed, and wishes Mr. V. to search for them, in consequence of which he requests to be informed how he is to act. Requests the priest's name to be kept secret.

*6th July, 1812.]*

TO THE RIGHT HON. J. O. VANDELEUR,

KILRUSH, CO. CLARE.

IN reply to his letter of the 4th instant, regretting that the secrecy which the priest enjoins him to observe will not allow of his offering rewards for the discovery of the authors of the threatening notice. The same objection, however, does not appear to stand in the way of his making the experiment in the cases of robbery and flogging that have occurred. Authorizing the offer of rewards, &c. Enclosing the Arms Act.

*4th July, 1812.]*

FROM THE REV. DR. AUSTIN,

MIDDLETON, CO. CORK.

REQUESTING that a few more abstracts may be sent, and that he will have them read and explained in the chapels. Stating, that in consequence of Mr. Pearce Power, of Clonmel, having received intimation of his death being determined on by the Caravats, he (Dr. Austin) had proceeded to Clonmel with some of Captain Haynes' infantry and Captain Courtenay's cavalry, and remained until quite day, and did not hear or meet any person except a German dragoon, who had been sent alone through a most intricate road, and unable to speak a word of English; hears that

the Caravats were out on that night collecting money, and that the troops were to be withdrawn from Middleton. No potatoes brought to market from dread of the Caravats.

5th July, 1812.]

FROM THE REV. WILLIAM READ,

TULLA, CO. CLARE.

DETAILING the particulars of the opposition given to him by some of his parishioners, adjoining the parish of —, which he states to be much resorted to by deserters; complaining of the conduct of Moloney, a magistrate, and stating that he (Mr. Read) had laid all his papers before General Darby, who agreed to give him a party of the military to enable him to arrest the persons against whom he had warrants; that he has fixed on Wednesday night to go out, and wishes to know if he may take any fire arms he meets with.

7th July, 1812.]

TO THE REV. WILLIAM READ,

TULLA, CO. CLARE.

IN reply to his letter (to Sir E. L——), observing that the resistance which had been given to the civil power, appears to have required the military assistance which General Darby consented to afford. With respect to the complaints he has insinuated against Mr. Moloney's conduct, there is no means of forming any opinion. In general, magistrates are not at liberty to refuse to be examined when called on, unless they had reason to doubt the truth; but in the event of misconduct of a magistrate, the proper course is by a statement to the Lord Chancellor. Enclosing the Arms Act.

8th July, 1812.]

FROM FRANCIS WOODLEY, ESQ.

TALLOW, CO. WATERFORD.

TRANSMITTING what written documents were in his possession, with his remarks thereon, concerning the disturbances in the barony of Kinnathlon since the 21st March, and giving at great length his opinion on the several matters related in the informations he encloses, which he requests may be returned.

11th July, 1812.]

TO FRANCIS WOODLEY, ESQ.

TALLOW, CO. WATERFORD.

ACKNOWLEDGING receipt of his letter of 8th instant, and its enclosures, which are now returned, that they may be duly

returned to the assizes. Observing upon the general state of the disturbances and the causes of them; and remarking, that it is satisfactory to observe, that between April and the attack on Mr. M'Bith's house, the instances have not been frequent, in consequence of his exertions and that of the neighbouring magistrates.

13th July, 1812.]

TO THE REV. DR. AUSTIN,

MIDDLETON, CO. CORK.

ACKNOWLEDGING his letter of the 11th instant and its enclosures : observing, that it is clear Davison has given a false account of himself ; there does not appear any reason for the magistrates being in haste to release him,—though if the account he gives of himself be satisfactory, his liberation cannot be postponed. Suggesting his being charged with the falsehoods he has told ; and apprized, that until he gives a true account, &c., he will have to thank himself for any further detention he may suffer. Enclosing copy of a letter from Mr. Read of Carlingford.

11th July, 1812.]

FROM EDWARD WILSON, ESQ.

ROSCOMMON, CO. ROSCOMMON.

STATING that the assizes are over ; but that the convictions of the Threshers are not at all to his expectations, owing entirely to the reluctance of the juries in finding them guilty. Representing that William Dolan has done his duty as witness for the crown, and has sent him to Athlone until something can be done for him. Suggesting the propriety of himself returning to Dublin.

13th July, 1812.]

TO EDWARD WILSON, ESQ.

ROSCOMMON, CO. ROSCOMMON.

IN reply to his letter of the 11th instant, acquainting him that he is at liberty to return to Dublin, whenever he thinks fit, putting the most active magistrates into possession of any information likely to be of service. Requesting to learn the situation and time of life of Dolan, and his opinion of the manner he might possibly be disposed of.

14th July, 1812.]

TO FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

REQUESTING he will state the ground of his opinion, and the extent of authentic information that he has received on the



subject of the country being never more disturbed, &c., than at present, and submit the measures which may seem to him best adapted to secure public tranquillity. Authorizing the offer of rewards for public and private information.

16th July, 1812.]

FROM FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

STATING that he is well convinced that the county and city of Limerick, and that part of Clare convenient to it, are ready for rebellion, and better prepared than in the year 1798, and that it is so secretly carried on, as to require time and money to develop it. That he has informed General Darby of nightly meetings being held; and that he has paid a person for procuring private information, and has sent two persons to join those meetings, and hopes soon to be able to state more fully; has given the General, also, a hint of the improper use made of yeomanry arms.

16th July, 1812.]

FROM JOHN BOYCE, ESQ.

TALLOW, CO. WATERFORD.

STATING that he and Mr. Gumbleton had proceeded to the house of M'Connery and Thomas Power, attended by some hussars, and that at two o'clock M'Connery's house was attacked by the Caravats, who broke in the door; and that he could not prevent the hussars from firing, which defeated his plan; and, though many must have been wounded, they took but one prisoner.

16th and 18th July, 1812.]

FROM THE REV. DR. AUSTIN,

MIDDLETON, CO. CORK.

ENCLOSING the second examination of Davison, whom he had warned to tell the truth, as he expected to be liberated, but who still denies all knowledge of the disturbances. He has sent to Mr. Boyce, to know if Venn would testify on oath; observing, that having communicated the circumstances of this stranger to government, does not think, according to the act of parliament, a magistrate is at liberty to enlarge him, but by the Lord Lieutenant's order. Has examined a soldier of the 20th regiment, who had been in the North——d M——, who says he knows Davison's family to be as he describes; suggests Davison's being removed to Cork gaol. Requests particular directions as to what security should be required, in the event of his being liberated; and any, and what, allowance to enable him to return to his friends. Enclosing a description of Davison.

18th.—Mr. Boyce gone to Waterford assizes, but Venn said, in presence of the constable, that Davison wanted to swear him, &c., and is willing to swear to the facts; will send for him; suspects Davison to be one of the emissaries from England. The nightly depredations continue,—confined to provisions. Hopes soon for information to enable him to apply for warrants to secure arms.

20th July, 1812.]

TO THE REV. DR. AUSTIN,

MIDDLETON, CO. CORK.

IN reply to his letter of the 16th and 18th instant, observing that the Attorney-General is of opinion that by transmitting the particulars of any detention of a stranger, pursuant to the 7th section of the 50th George III., cap. 102, the magistrate is not so far deprived of his jurisdiction over the case, as to be incompetent to discharge the person detained either on security or without it, as he shall see reason; he ought, however, to be cautious in exercising that power without the concurrence of government, where once he has made it a party to his act. In the case of Davison, therefore, he would have been again authorized to use his discretion as to his enlargement, if circumstances had seemed to warrant it. It, however, seems from his account of what Venn is prepared to urge against him, that he will have to remain in custody on charges of a criminal nature, and the further consideration of his treatment as a stranger, be put out of the question. Should the case be otherwise, he is requested to inform, &c.

20th July, 1812.]

TO ARTHUR FRENCH ST. GEORGE, ESQ.

BRANMORE, CO. GALWAY.

IN reply to his letter of the 18th instant, and its enclosures, relative to the murder of Higgins; observing, that without attested copies of depositions as to the death, &c., the subject cannot properly be brought under the Privy Council, and that it may be doubtful whether the crime is such as to require this extraordinary interference, more especially as all the real advantages of the measure may be obtained by offering a reward, equal to that which the council would proclaim, accompanying that offer with a promise on the part of the magistrates of their interceding with government for pardon, &c. Any rewards so offered, not exceeding £200, will have his Grace's sanction.

18th July, 1812.]

FROM THE REV. WILLIAM EASTWOOD,

ENNISCORTHY, CO. WEXFORD.

STATING, the vindictive spirit against persons who have taken land over the heads of others, or late in the possession of others, is extinguished in every other district except Templendigan, in which it was hoped that some remedy would have been applied, but that all were disappointed by the acquittal of the felon, and that they consider it wholly useless to offer rewards, but will do so if government thinks proper.

21st July, 1812.]

TO THE REV. WILLIAM EASTWOOD,

ENNISCORTHY, CO. WEXFORD.

THANKING him for his letter of the 18th instant, and authorizing him to offer rewards for private information.

21st July, 1812.]

FROM HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

ACQUAINTING, that Morgan Bryan was, by the verdict of a jury, declared to be a vagabond, and laid under bail; that Pat. Bryan is ready to go to Newfoundland if government will enable him, and that the country about Annestown and Mr. Langley's is perfectly quiet.

22nd July, 1812.]

TO H. ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

ACKNOWLEDGING his letter of the 21st instant, and acquainting him that his suggestion, with respect to Patrick Bryan, will be attended to without delay.

21st July, 1812.]

FROM JOHN BOYCE, ESQ.

WATERFORD, CO. WATERFORD.

STATING, Connery, whose house had been attacked, has refused to prosecute the man whom they had taken up (Day), and that he, Mr. Boyce, had to go to Waterford on purpose to do so; but that, after all his exertions, he has succeeded in putting off his trial. Detailing particulars of the apprehension of this man, as related by Mr. Gumbleton, also the conduct of the Brunswickers, and hopes the promise he has made to Donovan will be approved of. Stating the expenses he has incurred, and wishes to know if he may continue them for informations.



23rd July, 1812.]

TO JOHN BOYCE, ESQ.

WATERFORD, CO. WATERFORD.

ACKNOWLEDGING his letter of the 21st instant, and approving of his successful exertions for the preservation of the peace; and requesting he will state the amount of reward he considers the persons who assisted him are entitled to; and to accompany it with an account of any expenses he may have incurred. Authorizing the offer of rewards for useful information.

20th July, 1812.]

FROM THE REV. DR. AUSTIN,

MIDDLETON, CO. CORK.

ENCLOSING the information of Robert Venn, and requesting that it may be returned to him; stating that Venn said that Davison once or twice looked sternly at him, and said, "I believe you are a steady man who can be trusted." Venn also says, that if he had taken the oath, he is sure he would have heard every thing, but that he could not voluntarily take an oath and afterwards voluntarily break it, which he felt in his own mind he would do; says Davison certainly was not drunk, but quite cool and collected.

23rd July, 1812.]

TO THE REV. DR. AUSTIN,

MIDDLETON, CO. CORK.

ACKNOWLEDGING his letter of the 20th instant, and returning its enclosures. Observing, with respect to Venn's information, he seems to have anticipated the objection that may be made to it as a ground for committal; and that on a conference with the Attorney-General, it appears that unless something more specific, as to the nature of the oath tendered by Davison, or the confessions made by him, can be obtained, his detention as a stranger is the only measure which circumstances will authorize resorting to. Suggesting, however, that by following up the clue furnished by Venn's examination, it is probable Davison's participation in some of the outrages committed at the time to which it refers, may be brought home to him.

22nd July, 1812.]

FROM MAJOR-GENERAL BURNET,

STRABANE, CO. TYRONE.

STATING that a serious affray had taken place at a fair at Killetee, in the county Down, in which the yeomanry, under the command

of their Captain, the Rev. Mr. Wilkinson, had fired, in consequence of which some persons were killed. Disapproving of yeomanry being employed on those occasions, and acquainting, that he has sent to the nearest magistrates a Brigade-Major, desiring an inquiry on oath. Enclosing a paper, signed by Mr. Edie and Mr. Carey, requesting a detachment to be stationed at Killetee, but which he had not complied with, not considering Mr. Edie a person to be attended to on this occasion, and Mr. Carey not being a magistrate of Tyrone.

24th July, 1812.]

TO MAJOR-GENERAL BURNET,

STRABANE, CO. TYRONE.

ACQUAINTING him that his communications of the 22nd instant have been put into the hands of Sir E. Littlehales, who will at once receive the Lord Lieutenant's directions for making inquiry into the conduct of the yeomanry ; and observing, that until informations, verifying the statement, have been forwarded, it will not be possible to take any steps against the parties who have misconducted themselves.

20th July, 1812.]

FROM JAMES GALBRAITH, ESQ.

OMAGH, CO. TYRONE.

DETAILING minutely the particulars of the riot at the fair of Killetee.

25th July, 1812.]

TO JAMES GALBRAITH, ESQ.

OMAGH, CO. TYRONE.

ACKNOWLEDGING his letter of the 23rd instant, and requesting he will transmit, without delay, copies of the affidavits relative to the affray at Killetee, and impress upon the magistrates the necessity of a strict investigation.

27th July, 1812.]

TO TRISTRAM CAREY, ESQ.

STRABANE, CO. TYRONE.

IN answer to his memorial, expressing his Grace's hope, that he will attend and give testimony before the magistrates who undertake the investigation of the occurrence at Killetee ; in the meantime he should be aware, that, under the authority of any magistrate, whatever force may be requisite for the protection

of his person or property, will be furnished from the nearest detachment, and continued so long as the magistrate in communication with the commanding officer considers necessary. The propriety of stationing a regular force in preference to any other cannot fail to meet the consideration of the Commander of the Forces when the proposal for a detachment at Killetee is regularly laid before him.

27th July, 1812.]

TO COLONEL KER,

COOTEHILL, CO. CAVAN.

ACKNOWLEDGING his letter of the 24th instant, and enclosing post bills for £60; requesting he will dispose of it in payment of the debts, and towards the relief of Henry M'Cabe, as he (Colonel Ker) shall think fit, furnishing a memorandum of its receipt and application; recommending that the man is placed in security, for which purpose any additional assistance will be advanced.

27th July, 1812.]

TO BRIGADE-MAJOR MARSHALL,

DRUMSNA, CO. LEITRIM.

RETURNING the enclosure contained in his letter of the 25th instant; and observing, that as there seems to be reason for believing the informants have some knowledge, or suspicion, at least, of the parties by whom they were attacked, it might not be amiss to attempt to ascertain the extent of their knowledge, by the offer of small rewards and promises of secrecy.

24th July, 1812.]

FROM THE REV. THOMAS HANDCOCK,

ROSS, CO. WEXFORD.

STATING that £100 reward had been offered for the conviction of the persons guilty of the burning, &c., at Millgarrow; and that two women had sworn positively to the person of Robert Bayly, but that they would not be credited by the jury; and that since, accident has brought forward evidence that clears him of the offence, and lays it upon another, who, with several more, have been committed to gaol, on the information of a confederate, (see Mr. Tottenham's letter). County quiet, though rumours of an insurrection, which he does not credit. Reports of Sir Francis Burdett intending to visit Ireland.



27th July, 1812.]

TO THE REV. THOMAS HANDCOCK,

ROSS, CO. WEXFORD.

THANKING him for his letter of the 24th instant; and observing, with respect to the women on whose information Bayly appears to have been subjected to prosecution, that their crime of wilful perjury ought not to go unpunished, and it is trusted the necessary steps will be taken for prosecuting them without delay; at the same time, it may be right to bear in mind, that as the court in which the evidence of one of the informers was rejected at the trial, did not direct a prosecution for the perjury, there may be sufficient reason for not resorting to that measure.

25th July, 1812.]

FROM HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

REPORTING the burning of Pat. Power's house; and enclosing the printer's account for publishing reward for the discovery of the murderers of James Power.

27th July, 1812.]

TO HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

ACKNOWLEDGING his letter of the 25th instant, and enclosing £62, the amount of advertising rewards; hoping that the necessary steps have been taken to secure to Power a compensation for his losses, by presentment at the next assizes; and further, authorizing him (Mr. C.) to offer a reward for the discovery of the persons guilty of burning Power's house.

27th July, 1812.]

FROM BRIGADE-MAJOR MARSHALL,

DRUMSNA, CO. LEITRIM.

ENCLOSING copy of an anonymous letter which had been put under his door, cautioning him to be on his guard on the night of the 30th instant; stating that some persons, whose loyalty can be depended on, have informed him that something was in the contemplation of the disaffected, and that their manner, &c., was the same previous to the rising of '98.

28th July, 1812.]

TO BRIGADE-MAJOR MARSHALL,

DRUMSNA, CO. LEITRIM.

IN reply to his letter of the 27th instant, acquainting him that there is no reason to apprehend that any general movement of

the disaffected, is in contemplation, nor any other reason for expecting a partial attempt at mischief; and that it is trusted that the circumstances which have naturally excited his vigilance, will turn out to be equally unworthy of serious alarm, nay, perhaps, to have originated from the report against which measures were unsuccessfully adopted. Requesting he will give an anxious eye to what is passing around him.

## AUGUST, 1812.

31st July, 1812.]

FROM JAMES ILES, ESQ.

ARMAGH, CO. ARMAGH.

ENCLOSING the evidence taken before a bench of magistrates held to inquire into the causes of the disturbances which took place on the 12th and 13th of July; and also, a statement of the occurrences of those days, as collected from the evidence; and referring to a paragraph in the "*Evening Herald*" of the 29th, to which the statement is an answer, and also stating that the magistrates feel highly indignant at the misrepresentations published both in that paper and in the "*Evening Post*"; and that it is their intention to take the opinion of the Solicitor-General on the libellous nature of the paragraph alluded to, and hope for the support of the government.

1st August, 1812.]

TO JAMES ILES, ESQ.

ARMAGH, CO. ARMAGH.

ACKNOWLEDGING receipt of his letter of the preceding day, and expressing his Grace's acknowledgments to the gentlemen who have undertaken the investigation of the affray which took place on the 13th of July; remarking, that notwithstanding the contradiction of the witnesses who have been examined, there seems sufficient ground for calling on several of the persons who are proved to have been engaged, to find bail to appear and answer such charges as may be hereafter brought against them, to put the matter into a train for legal investigation. With respect to the libellous matter in the "*Evening Post*," the magistrates cannot fail to have the best advice from the quarter to which they have resorted, and assuring them that every proceeding which has for its object the maintenance of public authority, &c., will be regarded and countenanced by government.

3rd August, 1812.]

TO LIEUT.-GENERAL DRUMMOND,

KILKENNY, CO. KILKENNY.

IN reply to his letter of the 1st instant, desiring that he would, through the magistrates of the neighbourhood, and by such other means as he may judge best, endeavour to ascertain how far the accounts relative to the —— by the disturbers of the peace in the quarter of Shanahill, are to be relied on, for which purpose, suggesting the employment of some discreet person, acquainted with the country, to mix amongst them, and strive to ascertain their numbers and objects, &c., any expense attending which will be repaid.

3rd August, 1812.]

TO THE REV. DR. AUSTIN,

MIDDLETON. CO. CORK.

IN reply to his letter of the 31st ultimo; observing, that the act already referred to, and under which it seems Davison's detention has proceeded (unless indeed a more distinct charge of tendering an unlawful oath has been preferred by Venn, subsequent to the letters on that subject), points out the steps to be taken in the event of a person, detained as a stranger, failing to find security or give a satisfactory account of himself. That Davison appears to have given contradictory accounts of himself, and by no means to give a satisfactory statement of his recent manner of living, nor to have referred to any person that can bear such testimony to his conduct, &c., as to do away the suspicions that his conduct with respect to Venn, and his contradictions respecting himself, have justly raised against him. Therefore, perhaps, it would be most advisable to commit him as a stranger, under the act, apprizing him that his release will depend on his giving satisfactory references, to clear him from the imputation of having come into the country with mischievous designs.

2nd August, 1812.]

FROM BRIGADE-MAJOR HILL,

ARMAGH, CO. ARMAGH.

STATING that he does not know whether the magistrates have stated their opinion to be that the attack upon the Orangemen on the 13th July was a preconcerted measure, but that the affidavit, which he now encloses, coupled with Mr. Willis's and other circumstances, leave no doubt that it was so.



3rd August, 1812.]

TO BRIGADE-MAJOR HILL,

ARMAGH, CO. ARMAGH.

THANKING him for his letter of 2nd instant.

4th August, 1812.]

FROM HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

STATING the outrage on Mr. Kervan's house, as mentioned by Mr. Langley, and that this is the fourth time Mr. K.'s house has been attacked. Requesting that four dragoons may be allowed to search for arms. Stating the hardships which the tenantry, on the estate lately sold by Lord Enniskillen, suffer for want of fuel, not being permitted to cut turf by their present landlords. That his constable, a very wealthy man of good information, will, if it is desired, go to Dublin, and state on his oath as to his knowledge how it is likely the year may terminate.

6th August, 1812.]

TO HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

ACKNOWLEDGING his letter of the 4th instant, and acquainting him that his accustomed attention to, and knowledge of, matters of the kind he mentions, leaves no doubt but that he has taken every measure to detect the offenders, and of course that he has taken depositions of the inhabitants, of which he is requested to transmit copies. And with respect to the general state of the country, his opinion needs not the support he proposes to give it, and therefore his constable's presence can be dispensed with. The hard condition imposed on the tenants of Lord Enniskillen's late property does not seem very creditable to the present owners, and it is hoped humanity as well as interest will induce them to relax the severity of a prohibition so likely to be attended with interruptions of the public peace. His request for four dragoons will be submitted to the Lord Lieutenant, but he must be aware of the desire to keep the regiments together as far as practicable. If the presence of Mr. Wilcocks should be thought requisite, his presence could be spared with less difficulty at the present time.

5th August, 1812.]

FROM THE REV. DR. AUSTIN,

MIDDLETON, CO. CORK.

STATING that he had, in pursuance of Sir C. Saxton's letter of 2nd instant, told Davison that he must be committed to gaol, and

that his release would depend on his giving satisfactory references to clear him from the imputations of mischievous designs; that he has given reference to his father, Robert Davison, Brampton, near Carlisle, to whom Dr. Austin is to write, which Davison said he also would do, but without any expectation seemingly of its doing much good, and to Surgeon Leech, — yeomanry. Requesting to know if it is the Lord Lieutenant's wish that he should be committed to gaol under 50th of the King. Requesting his Grace's desire may be explicitly made known to him, as from the expression of "perhaps it would be advisable to commit the prisoner," he don't know how to act. Reciting the words of the act, and stating that all he wishes, is, for the Lord Lieutenant to let him know what seems right to him to be done, for which purpose he encloses a memorial to his Grace on the subject.

8th August, 1812.]

TO THE REV. DR. AUSTIN,

MIDDLETON, CO. CORK.

IN answer to his memorial, relative to the detention of Davison; observing, that the act of the 50th of the King, c. 102, under which he has been detained, leaves it discretionary with the magistrates either to commit or take bail, or discharge, any person coming under the description pointed out by the said act. When the magistrate has taken the first-mentioned course, it is also incumbent on him to make a full communication to the Lord Lieutenant. His Grace is then empowered to direct the further detention or discharge, without insisting on securities or requiring further satisfaction, in which latter respect he will remark that the power of the magistrate is different from that which is lodged with the government; nevertheless, a commitment under the act does not preclude the magistrate from making a subsequent order of discharge, if he be afterwards satisfied of the account given by the person, or sufficient security offered, which construction of the act, has he will perceive, for its object, the prevention of any infringement unnecessarily on the liberty of the subject.

8th August, 1812.]

TO DITTO.

ACQUAINTING him, that in addition to the foregoing letter, there is not anything to add, relative to the detention of Davison, that can assist him in the discharge of his duties under the 50th George III., c. 102. If no satisfactory account of him has been obtained in the interval, nor any security offered, his detention

will follow of course. The answer to the references may perhaps influence the duration of his confinement, or if doubts then remain, the decision of government communicated without delay. The doubtful expression in the letter to which he refers, originated in the presumption that a more specific charge against Davison might grow out of the further examination of Venn, as he will perceive by referring to letter of 3rd instant.

6th August, 1812.]

FROM JAMES GALBRAITH, ESQ.

MOUNT STEWART, CO. TYRONE.

DATED from Baron's Court, where he had attended by the desire of Lord Abercorn, together with General Burnet, several magistrates and other gentlemen, to inquire into the particulars of the affray at Killetee, and near two hundred people from that neighbourhood, together with Captain Wilkinson, who commanded the yeomanry on that occasion; detailing the particulars of what Lord Abercorn had stated to the assembly, and that of all those who had attended on this occasion, he (Mr. Galbraith) had reduced four to writing, which information he encloses, and also states their particular cases, and a warrant was immediately issued against the only individual yeoman who was identified as being guilty of any particular act except the common firing, and that O'Neil, a person charged with instigating the mob to throw the stones, had been admitted to bail.

10th August, 1812.]

TO JAMES GALBRAITH, ESQ.

MOUNT STEWART, CO. TYRONE.

IN reply to his letter of the 6th instant, expressing the Lord Lieutenant's acknowledgments to Lord Abercorn, and the Magistrates and General who investigated the circumstances of the affair at Killetee, and signifying his Grace's approbation of the objects proposed by the inquiry, and the steps that have been consequently taken with respect to O'Neil. With respect to the conduct of Mr. Wilkinson, in calling out his corps, it is not easy to form an opinion, unless his reasons for so doing were precisely stated; observing at some length, on the precaution that should be taken in using a military force, in order to prevent disturbances at fairs, &c., and that it is his Grace's wish, Mr. Wilkinson should be told, that in order to do away any suspicion of imprudence or indiscretion, that might attach to his conduct on the occasion, it is desirable that he should minutely state the impressions or representations under which he felt it incumbent on



him to assemble his corps, and to what circumstances his absence from the party, who were sent into the town, is to be attributed. When his Grace shall be in possession of this explanation from Mr. Wilkinson, he will be better able to judge of the propriety of the calling out, and applying, the military force, and how it was exercised.

8th August, 1812.]

FROM WALTER KAVANAGH, ESQ.

CARLOW, CO. CARLOW.

ENCLOSING informations respecting an attempt to burn some houses, but which appears to have been caused by private malice, and not by the system of combination, known by the name of "*Moll Doyle and her seven sons*"—of which system he details the particulars and origin, &c.—and their objects against those who take lands, &c.; representing the necessity of a military force, and that there is a slated house, well suited for the accommodation of thirty men; that the offer of rewards confided to him shall not be abused, and trusts may be of service.

10th August, 1812.]

TO WALTER KAVANAGH, ESQ.

CARLOW, CO. CARLOW.

ACKNOWLEDGING his letter of 8th instant; thanking him for his attention to oppose and suppress the spirit of outrage; and suggesting, that the employment of some confidential and trustworthy person to associate with the confederates, seems the best prospect of ascertaining the extent of the combination, and of discovering the individuals, &c., and any expense so incurred will be reimbursed him. The precautionary measures he proposes to adopt, for the quiet and security of the well disposed, will, of course, come communicated through the proper channel—the Brigade-Major, and in due time be submitted for the Lord Lieutenant's decision.

11th August, 1812.] \*

TO A. JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

ACKNOWLEDGING his letter of the 9th instant; and observing that it may be useful to learn in what particular neighbourhood the fabric of pikes is going on, if he is not able to obtain more particular information.

10th August, 1812.]

FROM ROGER O'CONNOR, ESQ.

SUMMERHILL, CO. MEATH.

REPRESENTING that Mr. Wade, the sheriff of the county, had committed his (Mr. O'Connor's) gatekeeper and woodranger to gaol, and had seized a carbine, his property; that he had refused to admit the man to bail, until he had consulted Sir C. Saxton, for which purpose he was then going to Dublin; that on his return he did admit the man to bail, on Mr. O'Connor's recognizance, but had kept the carbine; and complaining in very strong terms of this proceeding, &c.

11th August, 1812.]

TO ROGER O'CONNOR, ESQ.

SUMMERHILL, CO. MEATH.

IN answer to his letter of the 10th instant, observing that the sheriff of Meath did, as he states, report that, in his search after three prisoners under sentence of death, who had escaped from Trim gaol, he had apprehended and lodged in prison a man, against whom informations, charging a felony, had been sworn, and that he had seized and detained certain arms and suspicious papers found in his possession. Upon this communication there was only to point out to him what was the regular course to be taken, for the due commitment of a person under charge of felony, and to apprise him how the law stood respecting unregistered arms; the particular circumstances which he (Mr. O'Connor) has stated, do not however seem to require, that the law, either with respect to the forfeiture of the arms, or the penalty incurred by the possession of them, should be enforced; and, under the impression, that he will take care they are not misused in the hands to which he entrusts them, they may in some sort be considered as having remained in his custody. The Lord Lieutenant has directed Mr. Wade to be written to, suggesting the restoration of the arms into his hands, as consistent with the public safety, and acquainting him, (Mr. Wade), that his Grace forbears to express any opinion with respect to the acceptance or refusal of the bail offered for Kiernan, as the magistrates who are in possession of the depositions, and have had the advantage of *viva voce* examination, are best competent to decide on the nature and credibility of the charge that has been preferred against him.

9th August, 1812.]

FROM CAPTAIN BLAKE,

CARRICK-ON-SUIR, CO. TIPPERARY.

REQUESTING to know if a memorial to the Lord Lieutenant, stating his exertions, and praying to be allowed any sum per

day considered proper, from the time of his being appointed to the commission of the peace, would be attended with success; stating that the neighbourhood of Shanahill, county Waterford, is in a disturbed state, but hopes soon to set it to rights, having received General Drummond's directions on that subject.

11th August, 1812.]

TO CAPTAIN BLAKE,

CARRICK-ON-SUIR, CO. TIPPERARY.

IN reply to his letter of 9th instant, acquainting him, that it is regretted there are no funds at the disposal of government, out of which the allowance proposed by him can issue; but whenever his services in the actual apprehension of offenders entitle him to remuneration, there will be no want of disposition on the part of government, to pay the most favourable attention to his claims.

13th August, 1812.]

TO FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

REQUESTING he will give his attention to the conduct of a person named Ryan, a saddler, living at Thomond Gate, in Limerick, whose conduct and associates it might be useful to watch, and that he will acquaint government with any result of importance that may arise.

12th August, 1812.]

FROM MAJOR PRENDERGAST,

CLONMEL, CO. TIPPERARY.

STATING that O'Brian perseveres in his information, and that two persons were active in taking Daniel, the robber of Mulcahy's arms, and that if it is approved of he will give them £20 each. Every part of the country perfectly tranquil.

14th August, 1812.]

TO MAJOR PRENDERGAST,

CLONMEL, CO. TIPPERARY.

ACKNOWLEDGING his letter of 12th instant, and approving of his giving £20 each to the persons who apprehended Daniel; enclosing £40, to be divided as he proposes.

14th August, 1812.]

FROM BRIGADE-MAJOR MOORE,

CARLOW, CO. CARLOW.

ENCLOSING copy of an extract of a letter from Dublin, which represents the calamity of an approaching rebellion, and that



Mullingar is to be the first place attacked, &c., and that the person from whom this information is derived, had written to the officer commanding at Mullingar.

15th August, 1812.]

TO BRIGADE-MAJOR MOORE,

CARLOW, CO. CARLOW.

IN answer to his letter of the 14th instant, requesting he will furnish the name of the person from whom the account was given him, and draw from him, under the assurance of perfect secrecy on the part of government, the name, situation, and character of his informant, and the individuals through whom the intelligence is derived; and at the same time that he is urged to every exertion, he is also apprized of the existence in that quarter of the country (Mullingar), of a desire to propagate alarm, and that his report may have its origin in the same circumstance.

15th August, 1812.]

TO GUSTAVUS ROCHFORD, ESQ.

MULLINGAR, CO. WESTMEATH.

ENCLOSING Major Moore's letter,—observing that there is no reason to give any credit to its contents, further than the respectable quarter from whence it comes; it is put into his hands rather with a view to inform him of what is said respecting his neighbourhood, than that it demands any extraordinary exertion of his vigilance.

13th August, 1812.]

FROM THE REV. DOCTOR AUSTIN,

MIDDLETON, CO. CORK.

STATING, that by the advice of his counsel, he had committed Davison to the county gaol; that he had him brought into the county court house, and acquainted the Chief Baron with his detention, but who made no order in his case; that in his committal he had stated all the particulars as to bail required by the act, that he declares he can get no bail, and that he is willing to enter into the navy.

15th August, 1812.]

TO THE REV. DOCTOR AUSTIN,

MIDDLETON, CO. CORK.

ACKNOWLEDGING his letter of the 13th instant, and returning its enclosure; acquainting him, that if Davison is admitted into the navy, or will undertake to transport himself to England without delay, his liberation appears unobjectionable, and may take place without waiting for answers to the references respecting him.

15th August, 1812.]

FROM CAPTAIN BLAKE,  
CARRICK-ON-SUIR, CO. TIPPERARY.

REQUESTING to know if his application of the 6th June has been laid before his Grace for a civil employment, and urging his claims on the government.

17th August, 1812.]

TO CAPTAIN BLAKE,  
CARRICK-ON-SUIR, CO. TIPPERARY.

ACQUAINTING him that his letter of the 15th instant shall be laid before the Lord Lieutenant, though there is no reason to think that his Grace is less embarrassed with other claims at this time.

18th August, 1812.]

TO FRANCIS LLOYD, ESQ.  
LIMERICK, CO. LIMERICK.

HAVING written to him on the 13th instant, respecting Thomas Ryan, he is now acquainted that by a communication just received, it appears that another person of that name, and lately from England, where he was active in mischief, has been traced to Limerick; requesting he will have him watched.

18th August, 1812.]

FROM THE REV. M. WAINWRIGHT,  
TRIM, CO. MEATH.

ENCLOSING a copy of the notice he had served on Mr. O'Connor, on returning the sword and carbine taken from his porter.

19th August, 1812.]

TO THE REV. M. WAINWRIGHT,  
TRIM, CO. MEATH.

ACKNOWLEDGING his letter, enclosing the notice he has thought it necessary to give Mr. O'Connor, and it is not doubted but that he has good reason for adopting that measure.

19th August, 1812.]

FROM GUSTAVUS ROCHFORD, ESQ.  
MULLINGAR, CO. WESTMEATH.

STATING that the lower orders are well conducted, and grateful for the assistance given them in the time of scarcity; but that he had been informed by a gentlemen, that a catholic curate had

told him, that he and his rector were exhorting the people to be on their guard, not to be led astray, &c., and drawing a comparison between these exhortations and those used previous to the year '98.

20th August, 1812.]

TO GUSTAVUS ROCHFORT,

MULLINGAR, CO. WESTMEATH.

EXPRESSING thanks for his communication, and acquainting him that on tracing the report, mentioned in the last letter to him, to its source, it proves to be, as suspected, an idle one.

18th August, 1812.]

FROM MAJOR PRENDERGAST,

CLONMEL, CO. TIPPERARY.

STATING that he was setting off for Clogheen, in which neighbourhood, a system of highway robbery, hitherto unknown, had prevailed, and that for two days and nights every passenger and carriage had been plundered.

20th August, 1812.]

TO MAJOR PRENDERGAST,

CLONMEL, CO. TIPPERARY.

THANKING him for his letter of the 18th instant, and acquainting him that the result of his visit to Clogheen, where it seems a new system of depredation has discovered itself, is anxiously expected. Authorizing the offer of rewards, the extent of which offers he will take care to communicate from time to time.

18th August, 1812.]

FROM CAPTAIN BLAKE,

MARYBOROUGH, QUEEN'S CO.

ENCLOSING an account of money expended in the support of Meaney's family; stating that he had asked Mr. Briscoe to take charge of them, who had promised to do so as soon as directed by government,—he (Captain Blake), then setting out for Maryborough.

20th August, 1812.]

TO CAPTAIN BLAKE,

MARYBOROUGH, QUEEN'S COUNTY.

ACKNOWLEDGING his letter of the 18th instant, and enclosing £28 4s., the amount of money expended for Meaney's subsistence; expressing regret that his useful services will be lost



to the neighbourhood of Carrick-on-Suir, and acquainting him that Mr. Briscoe has been written to, to take charge of Meaney's family.

17th August, 1812.]

FROM GODFREY MASSEY, ESQ.

TIPPERARY, CO. TIPPERARY.

INFORMING, that he had committed the prisoners he had before written about, to Limerick gaol, but that he fears they may escape for want of evidence sufficient to convict them, from the reluctance of prosecutors to come forward, owing to the system of terror held out; and that in his opinion the surest way to get rid of them, would be sending them on board the fleet. Acquainting, that on Sunday he had apprehended two more of the gang, Daniel Doherty and Daniel Finerty, and committed them to Limerick gaol. In reference to the letter addressed to him of the 5th, stating that the prisoners might be tried by the White-boy Act, and that the yeomen would prosecute; stating that they would most readily do so; but as the prisoners were not taken in a body, but separately, doubts if they can be tried under that act. With respect to one of them, William Jackson or Cloney, is informed that he is a deserter from the 38th regiment, having murdered one of that regiment.

20th August, 1812.]

TO GODFREY MASSEY, ESQ.

TIPPERARY, CO. TIPPERARY.

IN reply to his letter of the 17th instant, observing, that although it might not, as he remarks, be a case for conviction, unless it could be made out that the persons separately taken in arms, were of the same party that had recently assembled, yet it will be for a jury to decide whether, under all the circumstances of their discovery and apprehension, the case is not such as to warrant the conclusion of their having been so assembled, and dispersed only in their endeavour to escape detection and punishment. If it turns out that Cloney has not been guilty of the crime he is charged with having committed in the 38th regiment, he (Mr. M.) might avail himself of his disposition to give evidence on behalf of the crown, and if that course be deemed inexpedient, he will have the advantage, by means of his information, to find some individuals who may identify and appear against the persons in custody, by means of Cloney, Donovan, and Roach. Orders have been given to Sir E. Littlehales to make inquiries, the result of which will be communicated.

18th August, 1812.]

FROM FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

STATING, that on inquiry he finds that there have been meetings at Thomond Gate under the pretence of regulating trade, but, that he apprehends there is something more in it; purposes to set a watch upon them, and to surprise them at their next meeting, and at the same time to search the house of Ryan, who appears to be very active in the business. Representing the western part of the county of Limerick to be very much disturbed, and that parties assemble every night in arms and white shirts over their clothes, to the amount of several hundreds. The arms extremely bright, and he understands that in a late affray, more of the arms of the Glen corps have got into their hands; that the meetings at the county Clare side of the town are not so frequent, but that he shortly expects to take one of the ringleaders in that quarter, whom he expects will turn out an useful king's evidence. No magistrate for ten miles in that quarter, and recommends his brother, Mr. Edward Lloyd, to be commissioned for county Clare. Wishes to be informed, if he may send any persons he should happen to take, illegally assembled, on board the tender.

21st August, 1812.]

TO FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

ACKNOWLEDGING his letter of the 18th instant, and expressing confidence that in proceeding against the persons who assembled at Thomond Gate, whose surprise he meditated at the next meeting, he will take care to have not only sufficient grounds to warrant such interference, but be satisfied that the interruption will not be so premature, as to prevent his obtaining a thorough knowledge of the ultimate objects and connexions of the associations. Expressing surprise at his account of the state of the western part of the county Limerick, as no report of disturbances in that quarter has recently been made to government; inquiry, however, will be made with respect to the nightly meetings at Glin, as also into any loss or abuse of the yeomanry arms. Acquainting him, that in the absence of the Lord Chancellor from Ireland, it is desirable to abstain from making any addition to the magistracy; but if his lordship is applied to on his return, in the customary form, his request, no doubt, will meet his ready attention. With respect to his (Mr. Lloyd's) power of sending criminals on board the tender, it cannot be legally done, but with the consent of the party.

19th August, 1812.]

FROM EYRE EVANS, ESQ.

KILMALLOCK.

ANNEXING the copy of an affidavit made before him, by Lieutenant Wilson, commanding a detachment of the Monaghan militia, quartered at Kilmallock, relative to two men whom he has confined, under very suspicious circumstances, and stating that one of the persons wrote a letter that morning, and got another to direct it and put it into the post-office, and that both, when interrogated, denied having wrote the letter. Has detained the letter, and requests to know what steps he shall take.

22nd August, 1812.]

TO EYRE EVANS, ESQ.

KILMALLOCK.

THANKING him for his communication of the 19th instant, and observing that the deposition of the officer commanding at Kilmallock is sufficient of itself to found any charge against the persons in custody; but as it seems probable that something specific may be obtained by the examination of Lieutenant Wilson, he is recommended to resort to that course without delay. Should it fail, he will be aware that under the 7th section of 50th George III., c. 102, they may be detained, if strangers in the country. In the meantime, the regular steps will be taken for getting possession of the letter in the post-office of Kilmallock.

20th August, 1812.]

FROM THE REV. DR. AUSTIN,

MIDDLETON, CO. CORK.

STATING that Davison had sailed from Cork for Bristol in the "Surprise," Captain Hyde, to whom he had given two guineas to be given to Davison on landing, for travelling expenses, which sum, with his passage money and subsistence, amounts to £5 12s. 6d, which he hopes government will pay him.

20th August, 1812.]

FROM RICHARD F. BLENNERHASSET, ESQ.

TRALEE, CO. KERRY.

ENCLOSING a very detailed account of a riot, which he states to have taken place on the 1st of August, in that town, in consequence of the Roman Catholic meeting, and of various acts of outrage having been committed, in consequence of the town being illuminated, and seditious emblems exhibited in transparencies;



that two magistrates were personally insulted (Mr. Bateman and Mr. Cosbie), and that the Provost was unable to suppress a repetition of the bonfires and illuminations on the following night, and that to the activity of Captain Fitzmaurice, of the Queen's regiment, alone was to be attributed the restoration of quiet, &c.

22nd August, 1812.]

TO A. H. JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

THIS letter, marked *confidential*, and acquainting him, that a representation that he (Sir C. Saxton) has seen, has led him to address him, as he would willingly interrupt it on its way to the Lord Lieutenant, as it charges Mr. Jacob with unbecoming demeanour towards a gentleman who, from his profession, was entitled to expect forbearance, even if he had offered, which he does not appear to have done, any provocation. That he will, no doubt, learn, that the misunderstanding between him and the Roman Catholic Bishop of Ferns, on the 2nd instant, is the circumstance alluded to, and that no doubt is entertained but that he will be impressed with the propriety of endeavouring to atone for any unjustifiable offence he may have hastily given, and prevent the subject from coming officially for the consideration of government. That other instances of misconduct imputed to him, on the same occasion, are forborne to be mentioned, as no doubt he has already repented, if any expressions of exultation should have escaped him, on the late successes in the Peninsular war, calculated to offend the feelings of any of his Majesty's subjects, and inconsistent with peaceable and orderly demeanour, though more especially to be expected from a magistrate, and servant of the public; and stating that it will be satisfactory to learn, by such explanation as he may make, that he would not wantonly offend Dr. Ryan, or wantonly run the hazard of wounding the feelings of a fellow-subject, by any unwarrantable indulgence of his joy or power.

24th August, 1812.]

FROM A. JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

DETAILING the particulars of the misunderstanding that occurred between him and Dr. Ryan, viz.—that in walking about the town, after having requested of the inhabitants to illuminate their houses in consequence of Lord Wellington's victory, he had stopped at the door of a Quaker, who asked him was there any danger of his windows being broken? to which he replied, that

he hoped not, as the Quakers were well affected to the King, though they did not illuminate, which he was sure all but the disaffected would do, and that in spite of them they would illuminate; that at the time he made this remark, no person appeared in his view, nor did he think any but the Quaker's family were within hearing; but that, unfortunately, Dr. Ryan and Priest Scallion were passing, and who returned, and addressing him, said, he had been told that he had called him a disaffected blackguard, who would not illuminate; and that he replied, he had not; that several contradictions took place, and that he had said, whoever informed him so was a liar, and that he followed to explain, but would not hear him.

27th August, 1812.]

TO A. H. JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

ACQUAINTING him, that the same post which brought his answer to the private letter, also conveyed Dr. Ryan's statement addressed to the Lord Lieutenant, a copy of which is enclosed, from which he will perceive that there is a material difference in the views respectively taken of the origin of their late differences, which his Grace is unwilling to believe can be tinged by any recurrence to former animosities; and hopes that candid explanation and conciliatory disposition on both sides will effectually do away all unjust impressions, &c. Acquainting him, that in the reply to Dr. Ryan, his Grace's sentiments are to be expressed to the same effect, and his persuasion, that considering the violence of language into which he (Mr. Jacob) admits himself to have been betrayed, he will feel no hesitation in making the first advances towards such explanation as the case will admit of—a measure from which the profession of Dr. Ryan seems to remove every repugnance, and which may be the means of avoiding an unpleasant discussion before the Lord Chancellor.

21st August, 1812.]

FROM REV. DR. RYAN,

ENNISCORTHY, CO. WEXFORD.

STATING that Mr. Jacob has wantonly insulted him; asserting that he was a disaffected person, calling him a liar, &c.

27th August, 1812.]

TO REV. DR. RYAN.

ENNISCORTHY, CO. WEXFORD.

ACQUAINTING him, that previous to the receipt of his letter of the 21st instant, the circumstances which he had stated had been received from Mr. Marsden, and that the sentiments of government respecting Mr. Jacob's alleged conduct having been signified to him, they have drawn from him a representation, which leads his Grace to think that the expressions used by Mr. Jacob in the first instance, were not intended to apply to him, (Dr. Ryan,) nor that Mr. Jacob was aware that he was at hand at the time they were uttered.

Under these circumstances, it has been suggested to Mr. Jacob, (for which see the above letter). And in conclusion, expressing his Grace's confidence that such an opening for mutual understanding, &c., will be welcome to his (Dr. Ryan's) wishes, and be preferred by him to a protracted examination before the Lord Chancellor, to whose decision an appeal must be made as a ground for dismissal from the peace. And although his character as a hearth-money collector is not affected, yet Mr. Jacob must know, and will be reminded, that any act tending to create disturbance or disunion, will be visited by the severest marks of reprehension from his Grace, as well as from the superior officers of his department.

27th August, 1812.]

FROM GUSTAVUS ROCHFORT, ESQ.

MULLINGAR, CO. WESTMEATH.

STATING that a gentleman living near to Castletown had informed him, the son of a man who had given him useful information at the time of the former rebellion, had told him that about ten days before, there had been a meeting of between two and three hundred persons on the hill of Knockaster; that some persons who were reluctant to be sworn were compelled to swear; that the captain's name was Edward Coney.

26th August, 1812.]

FROM THE PROVOST OF TRALEE,

TRALEE, CO. KERRY.

DETAILING minutely the circumstances which occurred at the riot of Tralee, by which it appears that the statement given of these transactions by Mr. Blennerhasset, were much exaggerated, and stating, that, had the writer of the statement transmitted



to government, consulted with him, or any other of the magistrates who witnessed the transactions, or had taken more time to examine into them himself, he, probably, would not have seen the necessity of troubling government with so strong a report.

29th August, 1812.]

TO WILLIAM ROWAN, ESQ., PROVOST,

TRALEE, CO. KERRY.

ACKNOWLEDGING the receipt of his letter of the 26th instant, and thanking him for those very minute and satisfactory communications he has furnished in reply to letter of 22nd instant.

## SEPTEMBER, 1812.

30th August, 1812.]

FROM A. H. JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

ASSERTING that the representations he had made contained facts, which can be testified on oath, and positively disclaiming to have used the words imputed to him, in the charges preferred against him by Dr. Ryan.

2nd Sep. 1812.]

TO A. H. JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

ENCLOSING the copy of an affidavit, relating to the misunderstanding between him and Dr. Ryan; and observing, that, as it seems to confirm the idea already expressed with respect to the origin of the dispute, it may, perhaps, weigh with him as an additional motive for the explanation suggested, with a view to his justification, in case Dr. Ryan's complaint should come before the Lord Lieutenant.

1st Sep. 1812.)

FROM HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

ENCLOSING three informations; he and Mr. Langley setting out to search for arms. Requesting thirty guineas to be sent to him to procure information; promises information by the next

post; respecting Mr. Barron Quinlan whose head was so badly wounded, nearly dead; one of the persons concerned, he (Mr. Cole) has lodged in gaol.

*3rd Sep. 1812.]*

TO HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

IN reply to his letter of the 1st instant, and its enclosures; observing, that none of the depositions contain (what is always desirable) a denial of all knowledge or suspicion of the perpetrators. Expressing satisfaction at hearing that those concerned in the outrage, have been lodged in gaol. Enclosing thirty guineas to be disposed of in rewarding private informers, for which he is required to account, and accompany it with the necessary vouchers.

*1st Sep. 1812.]*

FROM JOHN BOYCE, ESQ.

TALLOW, CO. WATERFORD.

REPRESENTING the misconduct of that part of the yeomanry on permanent duty, having on the Tuesday night before, fired several shots, and, notwithstanding he had requested of them to desist, and go quietly home, they would not, but continued firing. That on the Thursday and Friday following, several shots were fired near his house, with a view to insult him; that he was obliged to order part of the German Legion to patrol the streets, and that the captain of them, (Guffren) and he, had stones thrown at them, and that his informer, Donovan, had told him that several of the — yeomanry were sworn Caravats. Requesting to know his Grace's pleasure, with respect to the information given by Donovan, against several persons, as being sworn Caravats.

*4th Sep. 1812.]*

TO JOHN BOYCE, ESQ.

TALLOW, CO. WATERFORD.

ACQUAINTING him, that directions will be given for investigating the improper conduct of the yeomanry, mentioned in his letter of the 1st instant. With respect to the persons said to have taken an illegal oath, observing, that the deposition of Donovan, although it may warrant their apprehension, seems yet so little to be relied upon, that his Grace recommends that further questions should be used, to obtain specific information of the fact, previous to his (Mr. B.) making trial of the effect which their apprehension, under that charge, may produce.

2nd Sep. 1812.]

FROM HENRY ST. G. COLE, ESQ.

WATERFORD, CO. WATERFORD.

STATING that he and Mr. Langley had searched the entire county where disturbances have of late been most prevalent, and where it is well known that arms and ammunition are in the possession of the people, but that they did not find any, nor was there one of the inhabitants to be found at home; that a sentinel at Kilmacthomas had counted eight shots fired in the very direction they had searched.

Thinks that if he were to offer a reward in conjunction with John Kieravan, for apprehending and prosecuting the persons concerned in burning his house, it would have a good effect; has been obliged to leave three soldiers to protect him.

Enclosing the information of Mrs. Shanahan, denying what she had said of Mr. Barron. When he receives an answer as to dragoons being sent to him, will suggest a plan for keeping the county quiet for the winter.

5th Sep. 1812.]

TO HENRY ST. G. COLE, ESQ.

(*This letter signed by Mr. Peel.*)

WATERFORD, CO. WATERFORD.

IN reply to his letter of 2nd inst. with its enclosures, observing, that the affidavit of Nancy Shanahan, so far invalidates the account she had previously given, as to render it impossible to resort to any other measure than the usual offer of reward, for discovery and apprehension of the offenders; but as there may be some reason to suppose that her former testimony is now retracted from motives of fear, it is trusted every exertion will be made to prevail with her to disclose whatever intelligence she is possessed of. His question relative to the stationing a party of dragoons at Annestown, during the winter, has already been answered by Sir C. Saxton's letter of the 2nd inst. His plan, however, for preserving the quiet of the country will be thankfully received.

4th Sep. 1812.]

FROM A. H. JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

OBSERVING, that the diversity between his and Doctor Ryan's affidavit is very great, which he is able to refute, on the oaths and informations of several persons, but that he is unwilling to bring those persons forward, as they would incur the ill will of Dr. Ryan and his flock, &c., and detailing several things reported to him as having been said to his prejudice.



*5th Sep. 1812.]*

TO A. H. JACOB, ESQ.

ENNISCORTHY, CO. WEXFORD.

ACKNOWLEDGING his letter of the 4th inst., and observing, that as the difference between his statement and Dr. Ryan's, is so great as to preclude any hope of accommodation, and though the reasons he has urged for forbearing to bring forward the testimony of Mr. Mason may have weight, it cannot be urged to him to anticipate the justification which in the event of a complaint being lodged against him before the Lord Chancellor, it can alone be necessary for him to resort to; but in the meantime, it is trusted he will not let the tales of insidious, if not false, relators influence his conduct towards Doctor Ryan or his adherents, but conduct himself with that conciliatory spirit towards his Catholic brethren that ought to characterize one intrusted with the administration of justice.

*1st Sep. 1812.]*

FROM WILLIAM EVANS, ESQ.

RATHANGAN, CO. KILDARE.

STATING that the information he has lately received, is, that there are frequent meetings in that neighbourhood, particularly towards Kildare and Robertstown—that the oath is the same as that formerly written by O'Connor, who was hanged in 1797, or '98, and goes particularly to the extermination of Protestants; that the delegate for that district is a tailor of the name of Ennis; that there had been committees in Rathangan, since the removal of the troops, at the houses of C. Mulhall and Pat. Slavin; that his informant has been admitted amongst them to a certain degree; that they have sent arms, and all believe that a large quantity of arms have been landed in Munster or Connaught, and that the French have many thousand jackets made up to send them; they talk much of rising when the harvest is up; no man of decency amongst them; recommends the Canal Hotel at Robertstown for a barrack.

*8th Sep. 1812.]*

FROM THE EARL ANNESLEY,

CASTLEWILLAN, CO. DOWN.

STATING, that what is stated in the extract which was enclosed to him, is in every respect unfounded; that he had investigated the affair, and that it was the soldiers of the recruiting party who had commenced the riot, and that it does not appear to him to be of any consequence to the public peace.

9th Sep. 1812.]

FROM L. H. MORTON, ESQ.

RUSKEY, CO. LEITRIM.

ENCLOSING a letter from the gaoler of Roscommon, relative to a man of the name of Duffy, who had been committed by Mr. Morton for issuing forged notes, and who says he has very important discoveries to make.

17th Sep. 1812.]

STATEMENT OF THE RECORDER,

LIMERICK, CO. LIMERICK.

REPRESENTING that a Mr. David Dwyer, a friend of his, informed him that a Roman Catholic clergyman, the Rev. Pat. Hogan, had told him he had heard, but not in the way of confession, of a criminal association going forward, which met at one Brohan's, a publican; the nature of which was that an oath of secrecy is administered, by each member to another, without the presence of a third; that any person divulging the oath is in danger of assassination; detailing all the minutiae of the association, and that the principal of it is Mr. Anthony Bourke, a half-pay lieutenant, and also a lieutenant of the Castle Waller corps of yeomanry; that the oath and rules had been given to Geary, the printer of the *Limerick Evening Post*, to be printed. [Mr. Dwyer said—the Recorder was mistaken, for that he meant to say the printer was applied to to contradict the existence of this association.] Detailing the evidence of Carey and Brohan, and the conduct of Counsellor O'Gorman.

19th Sep. 1812.]

FROM THE RECORDER OF LIMERICK,

LIMERICK, CO. LIMERICK.

STATING that late the day before, Lord Glentworth, accompanied by a select number of Roman Catholic gentlemen, brought a person whom they said was ready to swear informations against Mr. Anthony B——, and required they should be taken; that the mayor sent for him (the Recorder), when he found that this man was Brohan, mentioned in his former statement; that he took his examination, and, after a conference with General Darby, agreed that it was necessary to secure Mr. Bourke; that he proceeded to his house, eleven miles distant, and conducted him to General Darby; that he had searched his desks and drawers without finding any paper in the least degree suspicious; but that he had put several into his hands, which appeared to be intended as proofs of his having obtained, by mixing with the disaffected, a knowledge of their designs, but which was made known to General Payne, who

had commanded there, and who Mr. B. alleges, promised, on leaving that, to inform Mr. Marsden, the then secretary, of the confidential intercourse; and that he afterwards had similar communications with Mr. Willcocks, the magistrate, especially one at the hotel where he lodged; and also, that he had conveyed some intelligence to the Duke of York, after quitting the 23rd regiment, in a long letter, signed, "an old soldier."

Requesting to be instructed how he is to act towards Mr. B. who is at present lodged in the temporary barrack, and whether he may admit him to bail, if offered.

21st Sep. 1812.]

TO THE RECORDER OF LIMERICK,

LIMERICK CO. LIMERICK.

OBSERVING that his letter of the 19th inst., and its enclosures, in some degree anticipate the particulars required by the letter to him of that date, and in reply to his question, respecting the bailment of Lieutenant Bourke, that as the charge in Brohan's affidavit, amounts at the utmost to a confession on the part of Bourke, and is in its nature so indistinct, as, without explanation or confirmation, to render it incapable of becoming the ground of a legal proceeding; there can be no reason for refusing to admit him to bail; he will not however fail to draw from him the names of the persons with whom he was associated at Brohan's and any other place, and proceed to sift the matter to the bottom. There is no knowledge of Mr. Bourke's employment under General Payne, nor of his communications with Mr. Willcocks; with the latter an immediate correspondence will be sought; and if the result of Mr. Smyth's investigation renders it necessary, a reference will be had with General Payne.

21st Sep. 1812.]

FROM MAJOR-GENERAL DARBY,

LIMERICK, CO. LIMERICK.

ENCLOSING a publication of the evening before, and stating that Bourke's arrest was not known to them, when the newspaper was published; and that, being unwilling to put him into the common gaol, to which he was averse, he had, at the desire of the Recorder, put him in a barrack room, with directions that he should be supplied with what was necessary; that no one has conversation with him; that it is probable the paper enclosed may throw some light on the subject; that nothing further has come out, and that the Recorder is very anxious for a reply to his letter.



22nd Sep. 1812.]

TO MAJOR-GENERAL DARBY,

LIMERICK, CO. LIMERICK.

ACKNOWLEDGING his letter of the 21st instant, enclosing a copy of the *L. E. Post*, by which there appears a disposition to consider the investigation respecting a conspiracy in a ludicrous view; the circumstances, however, as reported, leave no doubt of the propriety of examining scrupulously into the whole affair; and to that effect the Recorder of Limerick has been apprized, and his difficulties, as to admitting Lieutenant B. to bail, answered. Mr. Willcocks, to whom he referred, was acquainted with him, but received no information from him of any moment, nor was he induced to repose any confidence in him, as he appeared unsteady and wild. Requesting that he will communicate this letter to the Recorder, who will be written to, the next post, if Mr. Marsden can give any insight into the character of Bourke.

21st Sep. 1812.]

FROM GEORGE SMYTH, ESQ., RECORDER,

LIMERICK, CO. LIMERICK.

REPRESENTING, that he feels it totally impossible to give a more detailed account, than that he has already given, unless that he is ordered to examine Lieutenant Bourke, and report his account.

23rd Sep. 1812.]

TO GEORGE SMYTH, ESQ., RECORDER,

LIMERICK, CO. LIMERICK.

IN answer to his letter of the 21st instant, acquainting him, that in requiring a more minute detail of the alleged conspiracy of Lieutenant Bourke, it was in the expectation, that not only Brohan's affidavit, but the affidavits of others, might be procured, particularly as Bourke seemed rather to justify, than deny, his conduct; remarking to him, that under these circumstances, there was no reason for keeping Bourke ignorant of the charges against him, nor for checking any disposition on his part, to disclose the object of his conduct, or names of his associates. With such assistance, the hope is still retained, that further insight may be obtained into the case: and suggesting, that notwithstanding the opinion he entertains of Carey, he should not omit to examine him, and also to call upon Brohan, to swear positively, to his knowledge or ignorance of the persons, exclusive of Bourke, who attended the meetings at his house.

24th Sep. 1812.]

FROM FRANCIS WOODLEY, ESQ.

TALLOW, CO. WATERFORD.

ACQUAINTING of the elopement of Mary Callaghan, and stating his suspicions that she had been influenced by her priest, and also the tutelar bishop (Dr. Coppinger); that if so, her personal safety is not endangered; but if she had been induced to it by any other means, he fears she will be assassinated, as he got the knowledge of several assassinations that had been intended; David Hennessy's, and also Mr. and Mrs. Macbeth, for whose safety he has great apprehensions; has requested of them to remove into some town, until after the assizes: and that his own life is to be attempted. Is inclined to believe that Mary Callaghan is secreted some miles off, and will use every means to discover her, and if so, would be glad to know how he is to act. Thinks the present tranquillity is not to be relied on; has been requested by many farmers, to admit several to surrender, on their giving bail, but this he declines.

26th Sep. 1812.]

TO HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

ENCLOSING, agreeably to the account transmitted in his letter of 25th instant, £58 7s. 8d., together with ten guineas to be given to Moore, for apprehending Mandeville, and requesting separate receipts, for himself and Moore.

28th Sep. 1812.]

TO FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

REQUESTING, in consequence of the absence of Mr. Smyth from Limerick, he will take up the inquiry, he has commenced, into the charge made by Brohan against Lieutenant Bourke, and pursue it to the utmost, without giving it more publicity or importance than it seems entitled to. Detailing to him every particular relating to the subject, that has not been made known to him by the public prints. Requesting he will omit no means of coming at the real character of the transaction, and of the persons implicated in it; and if there shall appear to him sufficient grounds for treating Lieutenant Bourke, as engaged in a criminal attempt against the peace of the country, that he will pursue whatever course the law will justify, for making him answerable for the offence. Observing to him, that as yet, the indistinctness of the charge, or rather confession, has been such, as to entitle

the cautious proceeding hitherto adopted with respect to Bourke's personal liberty, to approbation; though, if the result of the inquiry should make the affair more serious, he should be dealt with in a very different manner. As Major-General Darby knows all the business, he need not scruple to confer with him upon it.

29th Sep. 1812.]

TO THE HIGH SHERIFF OF LIMERICK,

LIMERICK, CO. LIMERICK.

IN reply to that part of his letter which relates to the offer of rewards; authorizing his offering such reasonable rewards as he may think proper—the necessity of advertising anew, those formerly offered, but of which the time has expired, does not appear; and on consideration, perhaps he will be of opinion that the authority now given him will answer every purpose; and observing that there are no traces of those rewards in the office. It is presumed the witnesses are living, and forthcoming, and that there is every probability of their evidence being sufficient for conviction, otherwise it may be questionable whether the apprehension of those offenders would be desirable.

OCTOBER, 1812.

29th Sep. 1812.]

FROM R. W. GUMBLETON, ESQ.

TALLOW, CO. WATERFORD.

REPRESENTING that the private information communicated to him, has been in a great measure the means of quieting the country, and that he had advanced £30 and promised £50, for a continuation of services, and requesting a remittance of £50.

2nd Oct. 1812.]

TO R. W. GUMBLETON, ESQ.

TALLOW, CO. WATERFORD.

IN answer to his letter of the 29th ult., calling his attention to the terms in which the letter to him of the 18th July is expressed, respecting the reward he proposes to give to a secret informer, by which it was intended, that authority from the Lord Lieutenant should precede any payment or decision as to the amount, although it is not doubted that the sums advanced by him have been discreetly issued; observing, that every addition to it, except for



services actually performed, and then only to be given with the sanction of government, might be viewed as disproportionate to the informers' claims ; previously, therefore, to the making further issues, he is requested to send an account of the times and payment made to the amount of £30, for which a post bill is now transmitted, and specify the nature of the claim, which he expects will be hereafter established, to the additional £20 required by his letter.

*6th Oct. 1812.]*

TO A. WALTERS, ESQ

YOUGHAL, CO. CORK.

THANKING him for his letter of the 3rd inst.

*8th Oct. 1812.]*

TO FRANCIS WOODLEY, ESQ.

TALLOW, CO. WATERFORD.

ACKNOWLEDGING receipt of his letter of the 4th inst.; referring him to a letter of yesterday; and requesting he will inform of the nature of the minor offences which those persons have committed, who decline to give up their accomplices.

*8th Oct. 1812.]*

FROM RICHARD WILLCOCKS, ESQ.

BALBRIGGAN, CO. DUBLIN.

STATING, that from the best information he can collect, he cannot learn that Collier is in the neighbourhood at present, but had been frequently seen, previous to the robbery of the Derry mail, and not since. From the arrangements he has made, hopes to discover the place of his retreat.

*3rd Oct. 1812.]*

FROM FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

ENCLOSING Mr. Bourke's statement, and also that of Brohan, and giving it as the opinion of General Darby and himself, that it is a fabricated explanation of Bourke, to cover his other intentions, and that after the best consideration, they had determined to send Bourke to confinement, until the pleasure of government was known. Carey, not in Limerick at present, but could add little to the information given.

Stating that on the 22nd of August, he had taken a party of military to Crattelloe, in the county Clare, and had apprehended several persons charged with nightly depredations and felonies ; and that the expense of setting them, and refreshing the troops, had cost him ten guineas, and that for services of this nature, in the years 1809, 10, and 11, whilst mayor of Limerick, he had expended £300, for which he has never received any remuneration, though Colonel Vereker promised to mention it to government.

6th Oct. 1812.]

TO FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

IN reply to his letter of the 3rd instant, remarking, that as the statement which Brohan has given, respecting the resolution proposed by Mr. Bourke, at the meeting to which Brohan's affidavit relates, does not appear to vary the charge materially, from the original preferred, and on which Bourke has been admitted to bail, his further detention can be productive of no advantage, nor would it perhaps be justifiable, unless there is reason to believe the charges against him at Castle Connel, are of such a nature as to require it. Requesting, however, that he will cause Brohan to swear to his supplementary statement, and forward a copy of his depositions, together with such as may be taken respecting Bourke's transactions at Castle Connel.

Enclosing the amount of expenses incurred by him on the 22nd of August, in apprehending offenders in the neighbourhood of Crattelloe, and desiring a detailed statement of the circumstances under which they were incurred, and of the manner and proportion in which they were disbursed. Regretting that the lapse of time, and want of authority, seem to offer an insurmountable barrier to the payment of previous disbursements.

FROM BRIGADE-MAJOR MAHONY,

TRALEE, CO. KERRY.

STATING that he has been informed by Mr. John O'Connell, a gentleman of good property, and a magistrate, that confidential persons of the lower classes, have, upon his promise of keeping their names secret, and furnishing protection to them if necessary, undertaken to give such precise information of all intended acts of outrage, as may enable him to detect and commit the criminals; that these illegal acts, appear to be confined to Mr. O'Connell's estate: and detailing the particulars of some outrages committed by a party which was headed by a person in the uniform of a cavalry yoman.

12th Oct. 1812.]

TO BRIGADE-MAJOR MAHONY,

TRALEE, CO. KERRY.

ACKNOWLEDGING his report of the state of his district of the 7th instant, and acquainting him that his Grace feels confident, he will, in conjunction with Mr. O'Connell, use every exertion to discover and apprehend the persons concerned in the outrages which Mr. O'Connell states to have been committed in his neighbourhood.

16th Oct. 1812.]

TO HENRY ST. G. COLE, ESQ.

WATERFORD, CO. WATERFORD.

I request you will let me know whether you have heard of persons of the name of Shannon and M'Leod, who are said to have been murdered in Ireland, being suspected as spies on the disaffected. Shannon is stated to have been at Waterford and M'Leod at Cork.

13th Oct. 1812.]

FROM R. W. GUMBLETON, ESQ.

TALLOW, CO. WATERFORD.

STATING, that the disorder of the country was such, at the time of his promising £50 to the secret informer, that he considers it a small sum for the services rendered; and asserting the good effects which resulted from the measures he had adopted. Acquainting of his having got intimation of an intended rising in the parishes of Youghal, Co. Cork, and Temple Michael, Co. Tipperary, for the purpose of murdering some of his tenants, who have lately taken farms; intends to be prepared for the attack. Accounting for the money he had expended.

17th Oct. 1812.]

TO R. W. GUMBLETON, ESQ.

TALLOW, CO. WATERFORD.

ENCLOSING £20, the balance of the £50 alluded to in his letter of the 13th instant, and there is no doubt entertained, but that by the prudence of the plan he means to adopt, he will be able to defeat the violence he supposes to be in contemplation; thanking for his zeal, &c., and hoping he will continue his communications.



20th Oct. 1812.]

TO FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

ENCLOSING an extract of a letter from General Payne, to show in what manner Mr. Bourke was employed by him when commanding in Limerick, and what little reliance can be placed upon his information. Requesting to know the result of the inquiry at Castle Connel, and to deliver a letter enclosed to Mr. Bourke.

21st Oct. 1812.]

FROM WILLIAM EVANS, ESQ.

RATHANGAN, CO. KILDARE.

STATING that in his letter, he had mentioned the names of three publicans in that town, at whose houses seditious meetings were held; and that one Ennis, (a tailor, near Glenacre,) was the delegate in his neighbourhood; and that he is informed there is to be a very extensive meeting in Kildare, on the following Sunday, for the purpose of forming a new oath, and giving out new instructions; enclosing a copy of the present oath. Dunn, a tailor, has been appointed a Captain; does not pledge himself for the truth of all this information, but has it from a person who has been encouraged to join the society, by the desire of Sir C. Saxton. Cautioning the government, with respect to John Neale.

25th Oct. 1812.]

FROM FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

SUGGESTING the expediency of appointing one or more of the most active magistrates, to preserve the peace of the country, and to remunerate them for their services; and referring to Colonel Vereker or General Darby, to recommend proper persons, or to send down a magistrate from Dublin.

30th Oct. 1812.]

TO FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

THANKING him for his letter of the 25th instant, acquainting him that there do not appear sufficient grounds for adopting the measures suggested by him at present.

21st Oct. 1812.]

FROM THE REV. JAMES DAY,

TRALEE, CO. KERRY.

DETAILING the result of the inquiries he made, in consequence of the directions of government, communicated in letter of the 12th instant, and stating that the town and neighbourhood is much disturbed; enclosing copy of an information, showing that the object of the disturbers is the acquisition of fire arms; that the persons sworn against, were apprehended on his warrant, but in a short time enlarged, (he takes it for granted on bail,) but that he had refused to bail them: and recommends his son to be put into the commission of the peace; suggesting the propriety of a general review of the yeomanry arms.

30th Oct. 1812.]

TO THE REV. JAMES DAY,

TRALEE, CO. KERRY.

ACKNOWLEDGING his letter, enclosing informations; and thanking him for his attention to the wishes communicated by letter of the 12th instant; acquainting him, that the application of his son, to be put into the commission of the peace, should be made to the Lord Chancellor, and that the expediency of inquiring into the state of the yeomanry arms near Tralee, will be immediately considered.

## NOVEMBER, 1812.

1st Nov. 1812.]

FROM MAJOR-GENERAL DARBY,

LIMERICK, CO. LIMERICK.

STATING, that, notwithstanding the official reports, particularly those of the General-Brigade-Major, represent the country as perfectly quiet, that there can be no doubt of frequent nightly meetings in that part of the neighbouring counties, which seldom terminate without some act of violence; that they are always armed in some way or other, and have marks of distinction for their leaders.

2nd Nov. 1812.]

TO MAJOR-GENERAL DARBY,

LIMERICK, CO. LIMERICK.

ACKNOWLEDGING his letter of the 1st inst., and requesting he will state the grounds of his supposition, that nightly meetings take

place in the county of Limerick ; and that he will forward the information of any person upon whom, or upon whose property, the acts of violence he alludes to have been committed.

1st Nov. 1812.]

FROM EDWARD KELLY, ESQ.

MOAT, CO. GALWAY.

STATING, that he had issued several written advertisements, offering reward for private information ; and that he did expect an order might have been sent to make search for the gun in such places as might be suspected ; and lest such order might have been forgot, requesting to know if such search shall be made.

3rd Nov. 1812.]

TO EDWARD KELLY, ESQ.

MOAT, CO. GALWAY.

IN reply to his letter of the 1st instant, referring him to the act of parliament (enclosed) for preventing improper persons having arms ; observing, that the 3rd section empowers two justices of the peace, having information upon oath, of arms being concealed, to proceed to search for them without any further authority ; and in the event of such information being procured, upon his transmitting the form of certificate enclosed, filled up &c., no time will be lost in sending him the Lord Lieutenant's warrant.

1st Nov. 1812.]

FROM BRIGADE-MAJOR ORMSBY,

KILKENNY, CO. KILKENNY.

STATING that the only outrage he has heard of since his last report, is that of a Mr. Little having been fired at and severely wounded, on the 2nd ult., on his way to the fair of Currahill ; owing, as it is supposed, to his having taken some ground, and let it at an advance of rent.

6th Nov. 1812.]

TO MAJOR-GENERAL DARBY,

LIMERICK, CO. LIMERICK.

ACQUAINTING him that on consideration of Mr. Anthony Bourke's case, no objection appears to his being now admitted to bail ; the Mayor of Limerick has been written to, to admit Mr. Bourke to bail, on his entering into security for his appearance in the usual manner.



6th Nov. 1812.]

TO THE MAYOR,

LIMERICK, CO. LIMERICK.

DESIRING he will cause an immediate inquiry to be made into the very extraordinary conduct of the gaoler, as deposed by Ensign Tenison, respecting the sentinel, having been fired at, from the gaol.

9th Nov. 1812.]

TO JAMES WILKINSON, ESQ.

STRABANE, CO. TYRONE.

ACQUAINTING him that the Lord Lieutenant having considered the whole of the correspondence relative to the affray at the fair at Killetee, on the 21st July, his Grace cannot attribute his conduct, in directing the attendance of the yeomanry corps under his command at that fair, to any other motive than a reasonable apprehension that the public peace would be disturbed, and to a desire to prevent or suppress disturbance; observing, however, that as he was the only magistrate in attendance, it was most desirable that he should not have detached any part of his force, or that he should have employed them in sufficient numbers, as would have put an end to the disturbance without resistance.

7th Nov. 1812.]

FROM FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

COMMUNICATING the names of the next magistrates to the place where Francis Gilmore resides, and stating that a similar robbery had been lately committed on another yeoman near Cahirconlish, in the county Limerick, and that on Thursday night before, there had been a barn and a large quantity of corn and hay burned within a mile and a half of Limerick.

Requesting that Mr. Peel be reminded of his promise respecting the money he advanced when Mayor of Limerick; and for the services done by him, referring to Colonel Vereker.

21st Nov. 1812.]

TO FRANCIS LLOYD, ESQ.

LIMERICK, CO. LIMERICK.

IN answer to his letter of the 7th inst., observing, that when Mr. Peel promised an investigation of his claim for the remuneration of £300, he did so under the impression that the claim had been regularly submitted, specifying the items of the money advanced

and the different purposes to which it had been applied ; but upon reference to his office, this claim does not appear to have been made before the 3rd October, 1812, nor any reason assigned for the delay ; under these circumstances, it is regretted, the necessary adherence to those regulations under which alone the public money can be issued, appears to preclude a compliance with his present application.

21st Nov. 1812.]

FROM EDWARD CONWAY, ESQ.

ROSCREA, CO. TIPPERARY.

REPRESENTING that the letter sent to him on the 17th does not contain any specific order or direction to some magistrate for the county of Tipperary, to take out or give him a military force to execute the laws ; that he will proceed to Roscrea, and expect to find there such explicit instructions as government may think proper to give on the occasion.

25th Nov. 1812.]

TO EDWARD CONWAY, ESQ.

ROSCREA, CO. TIPPERARY.

IN reply to his letter of 21st instant ; observing that it never was intended to send him a specific order or direction to any magistrate of the Co. Tipperary, to take out or give him a military force to execute the law. Should his tenants, or any other persons, rescue cattle which had been distrained for the payment of any rents, and commit acts contrary to law, the magistrates have sufficient authority, upon the necessary informations being sworn, to call out the military. That he must be aware of the danger of delegating such authority as he requires ; and although the Lord Lieutenant does not suppose any improper use might be made of it by him, yet he cannot allow of any such interference on the part of government, when a remedy to it is to be obtained by the ordinary proceedings of magisterial authority.

DECEMBER, 1812.

7th Dec. 1812.]

FROM HENRY ST. GEORGE COLE, ESQ.

WATERFORD, CO. WATERFORD.

ENCLOSING the information of Lieutenant Picknall. Reports the better sort of people to be highly irritated, and ready for any enterprise, and to hold constant meetings ; and from their lan-

guage, has no doubt but that something dangerous is in their contemplation. Stating that he had apprized Sir C. Saxton, of a committee sitting in Annestown, and wished for his sanction to search the papers, of a person whom he believed was secretary to it; that this person has returned from Carrick, where he is said to have been busily employed.

9th Dec. 1812.]

TO HENRY ST. G. COLE, ESQ.

WATERFORD, CO. WATERFORD.

ACKNOWLEDGING his letter of the 7th instant, and acquainting him, that without some positive information, it would not be legal to make the search he recommends; and that his zeal and activity is trusted to for a discovery of the transactions he suspects; and advising additional circumspection on the part of Lieutenant Picknall, for the preservation of his barrack from any apprehended attack.

9th Dec. 1812.]

FROM EDWARD CULLEN, ESQ.

CASTLECOMER, CO. KILKENNY.

STATING, that in consequence of the pardon offered to any of the persons concerned in a robbery and murder upon a Mrs. Wilson, in January, 1812, Thomas Wilson (Little), one of those concerned, has written a letter to him, informing him of the name of those concerned; but considering this confession not sufficient authority to arrest the parties, he sends the warrants against John Wilson and Thomas Wilson (Wright), two of the party, who have absconded from their homes, and who were seen in Cork, and who, it is said, have taken their passage for Bristol, in the hope that the necessary additional authority may be added to the warrants for their apprehension in Bristol.

12th Dec. 1812.]

TO EDWARD CULLEN, ESQ.

CASTLECOMER, CO. KILKENNY.

IN reply to his letter of the 9th instant, observing, that as the warrant he enclosed is not founded upon information on oath, but on the mere confession of one of the parties, which can be no evidence, except against himself, and which does not even appear to have been made before a magistrate, it would not be proper to act upon it; and therefore suggesting the propriety of every exertion being made for the apprehension of Thomas Wilson



(Little) in the first instance, and then for procuring information on oath from some credible witness, detailing sufficient facts to justify the issuing a warrant, on strong suspicions, against John and Thomas Wilson (Wright).

16th Dec. 1812.]

FROM BRIGADE-MAJOR BEEVER,

NEWTOWNBARRY, CO. WEXFORD.

ENCLOSING a letter from Captain Hunter Gowan, containing information relative to an intended attack on Dublin Castle.

21st Dec. 1812.]

TO BRIGADE-MAJOR BEEVER,

NEWTOWNBARRY, CO. WEXFORD.

OBSERVING, that though the account, enclosed in his letter of the 16th instant, is very improbable, yet he is requested to keep up a correspondence with Captain Gowan, and if he apprehend the danger, that he will forward the information.

END OF DECEMBER, 1812.



## TIPPERARY MAGISTRACY.

1816 & 1817.

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I.—Memorial of Daniel and Stephen Egan, of Roscrea, brewers, setting forth their innocence of the charge of conspiring to murder the Rev. J. Hamilton, of the county of Tipperary.

II.—Counter-memorial of the Rev. J. Hamilton, Justice of the Peace, explanatory of his conduct, in his magisterial capacity, from the year 1813 to 1817, and the grounds on which criminal proceedings had been instituted against the Messrs. Egan.

[The former memorial, presented to the Earl Whitworth, Lord Lieutenant of Ireland, in 1816; the latter memorial, presented to his Excellency, in 1817.]

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*To His Excellency, EARL WHITWORTH, Lord Lieutenant General and General Governor of Ireland. The humble Memorial of DANIEL and STEPHEN EGAN, of the town of Roscrea, in the county of Tipperary,*

HUMBLY SHEW,

That your memorialists are the sons of Stephen Egan, brewer, of Roscrea, in the county of Tipperary, where, for fifty years past, he has been an inhabitant.

That your memorialist, Daniel Egan, is a married man, having two children; and that your memorialists were born and educated in town of Roscrea.

That, on the evening of the 11th of January last, your memorialists were arrested, under a committal, issued by the Rev. John Hamilton, who is a Protestant curate and a magistrate in the town of Roscrea.

That such warrant was issued on the information of one Robert Dyer, and Hickey, brother-in-law to said Dyer, common day-labourers, charging your memorialists, and many other persons, with a conspiracy to murder the said John Hamilton.

That, immediately after such arrest, your memorialists were marched in slow procession, under the guard of a company of soldiers, over a distance of forty miles from their home and family, and lodged in the gaol of Clonmel.

That your memorialists, and several other persons, were brought up at the late special commission, for the county of Tipperary, before the Chief Justice, Lord Norbury, and Baron George, and were indicted capitally for the said conspiracy.

That your memorialist, Stephen Egan, with three others, were



subsequently brought to trial, on three distinct capital indictments, and that this trial was conducted under the direction of the Solicitor-General and Crown-Solicitor, and at the expense of his Majesty's government.

That said special commission having been held during the law term, your memorialists were obliged to retain counsel from the courts in Dublin, and to protect their innocence by a number of witnesses, brought at a heavy expense, and from a distance of from forty to fifty miles.

That these hardships, so much affecting the reputation, character, and property of your memorialists, were still inconsiderable, when compared with the flagitious attempt made to ruin your memorialists, and dishonour our laws, by a plot, whose object it was to bring your memorialists, and so many other innocent men, to an ignominious and disgraceful death, through means of perjury, and under the forms of the law.

That the manifold and flagrant perjuries developed on said trial, in the case attempted to be set up for the crown, and more particularly in the evidence of the chief witness, Dyer, excited the indignation of a crowded court, and called forth the reprobation even of the Solicitor-General, and of the learned Judge who presided at the trial.

That your memorialists abstain from disgusting your Excellency by any more particular reference to those perjuries, and on this head, beg leave to refer to such report, as the government of the country may be pleased to require from the learned Judge who tried the cause, or from the leading counsel for the prosecution, to whom your memorialists do not hesitate to refer, in full confidence that this description of the evidence, on that prosecution, is neither coloured nor overcharged.

That the jury, upon the said trial, having audibly signified their disbelief of the witness for the prosecution, and their abhorrence of the attempt to criminate your memorialists; the learned Judge, with the full assent and approbation of the Solicitor-General, directed an immediate acquittal of your memorialists, on the case as made for the crown, and did not deem it necessary to call upon your memorialists to produce any of their numerous witnesses, who were in attendance, for the purpose of falsifying and exposing this iniquitous conspiracy against the lives of so many innocent subjects.

That a verdict of acquittal was pronounced, and the Solicitor-General immediately afterwards moved the court for leave to send up bills of indictment against the said Robert Dyer, for wilful and corrupt perjury upon the said trial; and that the said motion was instantly and willingly granted; and the said Dyer, under the direction of the court, immediately succeeded your memorialists in the dock.

That bills of indictment to that effect were accordingly sent up against Dyer, grounded on the examinations of his Majesty's Crown-Solicitor, as memorialists are informed.

That the grand jury empannelled for the said special commission, was pleased to ignore the said bills; on the following morning, he, the said Robert Dyer, was liberated from confinement, and permitted to resume his situation in the town of Roscrea, unpunished.

That the said Rev. John Hamilton, the magistrate, on his first introduction into the town of Roscrea, was tutor in the family of a Mr. John Birch, who carried on the said trade of brewing as your memorialists' father, and in the same town of Roscrea.

That, although he holds the commission of the peace, he has no property in that country, and very little any where else, according to his own admission on his oath at said trial.

That the alleged attempt to murder the said John Hamilton, for the instigation of which your memorialists were arrested, was admitted by said Mr. Hamilton on said trial, to be not an actual firing at his person, but a firing of shots at an effigy, made and dressed up by his wife and himself, and fired at with his own previous knowledge, and by his own consent.

That the said reverend magistrate further admitted, that he represented to government, that the said attack was made against his person and life, but did not communicate to them that the said shots were so fired at his own effigy, or with his own consent.

That it appeared on the said trial, that the said Dyer had been, and was then, in the receipt of five shillings a week, for having suppressed his evidence against one Francis Cotton, on a trial, in which said Cotton was charged with the murder of one Quigley; and it further appeared that this circumstance was known to the said Rev. Mr. Hamilton, and had occurred two years before the trial of your memorialists, and it further appears, said Mr. Hamilton declared to the jury on the inquest of said deceased Quigley, that said Dyer had perjured himself several times, and was unworthy of belief.

That said Rev. Mr. Hamilton admitted on the trial of your memorialists, that Dyer was in the employment of a club: That your memorialists had evidence to prove at their trial that a select number of persons, some of them magistrates, met at the house of said Mr. Birch, and were at his table sworn by the said Mr. Hamilton.

That some time previous to the reported attack on the person of Mr. Hamilton, and whilst to his knowledge the said Dyer was still receiving the said five shillings per week for compounding the said felony of murder, the said Mr. Hamilton admitted, that he proceeded to search the house of the Egans for arms, in the month of June, 1815, in consequence of information which he said he had



received so long before as the month of February preceding, from said Robert Dyer.

That the house of Stephen Egan, the father, is separate from that of Daniel Egan, the son.

That the said Mr. Hamilton admitted, that although said Dyer gave no information against said Stephen Egan, the father, yet he went in three months after the information had been given against Daniel, the son, and searched the houses, not only of the son, but of the father, together with the desks, papers, &c., even to the bed-rooms of the females.

That the said search lasted from three o'clock at midnight until eight o'clock in the following morning, although that district has never been proclaimed.

That, subsequently, and on the night when the shots were fired at the said effigy, your memorialists were arrested by a number of the Monaghan militia, without any civil authority whatsoever; kept in the guard-house all night; at two o'clock next day brought before said Mr. Hamilton and Colonel Kerr, of said regiment, after which hour they were discharged at the interference of other magistrates.

That the said Dyer, so reprobated as a perjurer by the counsel for the crown, remains still unpunished; is now at large, and may still be found in the employment of the said Birch, together with the aforesaid Cotton.

That the said Robert Dyer, on the said trial, was so well disciplined in his perjured story, that the truth or consistency of his testimony was not shaken in the smallest degree, until he had been more than an hour giving his evidence on the table.

Your memorialists most humbly entreat your Excellency to institute an inquiry into those wicked enormities, to investigate this flagitious conspiracy against the lives of so many innocent men, and to direct compensation to be made for those serious injuries to the property of memorialists, (who live by their industry), for their various losses and expenses, in defending their lives and character, thus placed in peril, on a sudden, by a capital and instantaneous prosecution, against so many industrious individuals, supported at the expense of the public, conducted by the second law officer and law agents for the crown, and resting on the obstinate and stubborn testimony of an habitual, detected, and still unpunished perjurer.

And your memorialists will ever pray.

(Signed),

DANIEL EGAN.  
STEPHEN EGAN.



*To His Excellency, CHARLES, EARL WHITWORTH, Lord Lieutenant General and General Governor of Ireland. The Memorial of the REV. JOHN HAMILTON, of Roscrea, in the county of Tipperary. Clerk.*

HUMBLY SHEWETH,

That your memorialist, having good reason to know that many misrepresentations of his conduct and character, while a magistrate for said county, were made to your Excellency, to the great injury of memorialist and his family, he is anxious, before your Excellency retires from the government of Ireland, to vindicate himself by the following statement.

On the 5th of February, 1813, the Lord Chancellor was pleased to appoint memorialist a magistrate for the county of Tipperary, an office which memorialist was so far from seeking, as was stated by Mr. Prittie in the House of Commons, that he was totally unaware of his appointment, until it was communicated to him by Sir John Craven Carden, Baronet, in the following words:—

“PRIORY, *February 6th*, 1813.

“MY DEAR SIR,—I this day received Mr. Gregory’s letter, relative to the magistracy, which I enclose you, and hope you will excuse my taking so great a liberty with you.”

Thus it appears, memorialist was appointed by the Duke of Richmond’s government, at the recommendation of Sir J. C. Carden, who was of opinion that an active and efficient magistrate was wanted in the neighbourhood of Roscrea, where justice was administered in a manner, which memorialist, from motives of delicacy, does not wish to mention; and so apprehensive was memorialist of the opposition he should meet with in the impartial discharge of his magisterial duties, that he made it a condition of his undertaking the office, that another magistrate should be appointed to co-operate with him. The choice was left to Samuel Cooper, Esq., agent to the Right Honourable Lady Caroline Damer, proprietress of the town, and that gentleman, at the recommendation of Mr. Christopher Smith, of Roscrea, named Mr. Vizier Bridge, who possesses a leasehold property on her ladyship’s estate near the town. Accordingly Mr. Bridge was appointed, but strange to tell, he was among the foremost to oppose memorialist, and has never ceased to persecute him. Early in the month of May, 1813, memorialist was obliged to dismiss from the office of billeting soldiers in Roscrea, one

Benjamin England, a sub-constable of the county Tipperary, for corrupt practices in the branch of his office. On the 15th of the same month, the five following magistrates, viz.—William P. Vaughan, Esq.; The Rev. Thomas L'Estrange; William and Thomas Hutchinson, Esqrs.; and Vizier Bridge, Esq., held a meeting, and re-instated the said England in his office of billeting, though memorialist gave clear proofs of his guilt, and England himself produced a list of persons, who paid him an annual subscription for the exemption from billets. Mr. Vaughan went out from the meeting, and announced the result to a large assembly of people in the public streets, who, thereupon threatened to memorial the Duke of Richmond, then Lord Lieutenant, to remove memorialist from the magistracy, and on the same day, a subscription was set on foot, to prosecute memorialist in the King's Bench, for an alleged illegal committal of one John Murphy, who had disturbed the peace of the town, and excited religious animosities, by an exhibition of certain eggs, pretended to have been laid with several religious emblems thereon, an exhibition which the Rev. Joseph Downes, a Roman clergyman, required memorialist as a magistrate to prohibit. Mr. Justice Day pronounced from the bench, that not even the semblance of religious persecution was imputable to memorialist on the occasion, and that if he had not acted as he did, he would be unfit to hold the commission of the peace for an hour longer. But though memorialist was subjected to very great inconvenience and expense, in defending himself successfully against this charge, he would not introduce it here if it were not notorious, that not only three of the above named magistrates, but the Honourable F. A. Prittie also instigated the prosecution. Mr. Prittie went so far as to take the voluntary affidavits while the matter was pending in the King's Bench. Under these circumstances of opposition and persecution, memorialist laid his situation before the Duke of Richmond, and had in return a letter from the Right Honourable Mr. Peel, the chief secretary, assuring him of protection in the proper discharge of his duty, which letter concluded with these words. "His Grace has no doubt, from the respectable communication he received previous to your appointment as a magistrate, that you will always discharge the duties of that station, with zeal and fidelity." These words are quoted, because *zeal* has been alleged against memorialist as a matter of blame.

A few days after the constable was re-instated, memorialist mentioned the circumstance to the General of the district, who came to inspect the troops at Roscrea, and the General directed memorialist to submit the whole affair to government, which having done, memorialist was informed by the Chief Secretary, that the Attorney-General had advised the prosecuting of the



constable, and that it was likewise intended that the conduct of the magistrates who were concerned in the re-appointment of the billet-master, should as far as possible be brought under consideration. At the subsequent summer assizes, a bill of indictment was found against the constable, but owing to the absence of some material witnesses, the crown lawyers put off the trial until the assizes following, and the constable was admitted to bail, on which occasion the Honourable F. A. Prittie became one of his sureties. At the spring assizes, 1814, the constable was found guilty on the clearest and most respectable testimony; was dismissed from his office, fined £100, and sentenced to twelve months' imprisonment. Baron M'Clelland, who presided at the trial, reprobated the conduct of the magistrates who had re-instated the constable, and declared he would report it to the Lord Chancellor, who he said would no doubt discharge his duty towards them, and certainly the public did expect that such delinquency, at least with regard to the principals, should not go unpunished and unnoticed. Mr. Prittie gave an excellent character of the constable, and did every thing in his power to frustrate the prosecution; and on this occasion, too, some fresh complaint to government was threatened, in consequence of which memorialist wrote to the Chief Secretary on the subject, enclosing a report of the trial, and received the following answer.

“DUBLIN CASTLE, *March 26th*, 1814.

“SIR,—I had the honour of receiving, and submitting to the Lord Lieutenant, your letter of the 25th instant, with the accompanying report of the trial of Benjamin England, on a charge of extorting money, as billeting constable at Roscrea, from several of the inhabitants, under a contract that no soldier should be quartered on them; and I am to express his Excellency's satisfaction as well as my own, at the result of a prosecution instituted on your suggestion, from motives which entitle you to the approbation of government as well as the public.

“I am &c. &c.

(Signed), “ROBERT PEEL.”

Soon after this, the Right Honourable Lord Norbury, a Privy Counsellor and Chief Justice of the Common Pleas, called upon memorialist, and asked him whether he had not urged government to have the five magistrates above named superseded, to which memorialist replied, he had not, and that he left the matter entirely to the pleasure of the government and the Lord Chancellor, who he hoped would protect him if again attacked by the same party. His lordship then asked, if he might convey memorialist's reply to the Lord Chancellor, to which memorialist



assented, and his lordship did then, on the part of the government, assure memorialist of future protection.

On the 8th of November, 1814, the Right Honourable Lord Norbury informed memorialist by letter, that a complaint had been made against him for extorting money by way of fine, from a painter of Roscrea, in the case of Dean Hawkins ; and desired memorialist to forward his defence to his lordship.

It is necessary to state here, that the Very Rev. Dean Hawkins, a magistrate for the King's county, and county Tipperary, had been grossly abused and threatened in the streets of Roscrea, by a house-painter, in the month of May preceding, and had lodged an information against the man, before memorialist ; which information was returnable to the next general quarter sessions of the peace ; but he having manifested the deepest contrition for the offence, and having by the Dean's desire, published a most humble apology ; and having given twenty shillings for the poor of Roscrea, and a like sum for the poor of the Dean's parish of Dunkerrin, and as he was already under a recognizance in a large sum, to be of the peace, and good behaviour, which recognizance must have been forfeited, to the ruin of his family, had his misconduct to the Dean come before the bench, memorialist, with the approbation of the Dean, suppressed the information. A copy of the information, and of the painter's printed apology, the Dean's receipt for the twenty shillings for the poor of Dunkerrin, and the application for the twenty shillings for the poor of Roscrea, together with a statement of the motives which induced memorialist to suppress the information, were directly forwarded to his lordship, who, on the 11th of November, wrote to memorialist, that he had explained the transaction in the quarter it was requisite to do so. This quarter memorialist conceived to be the Lord Chancellor ; and having learned from the bridewell-keeper, that the Hon. F. A. Prittie, William P. Vaughan, Esq., and Lorenzo H. Jephson, Esq., brother-in-law to Mr. Prittie, had sent for him to Mr. Prittie's, at Corville, and examined him, touching the committal of the painter ; and, having also learned, that those gentlemen instigated him to make an affidavit, and to prefer the complaint in question, memorialist addressed himself to the Lord Chancellor, and considering his lordship bound in honor and justice to protect him, and to give him full information on the subject, memorialist, by letter, humbly requested a copy of the groundless affidavit, which had been made by the painter before Mr. Prittie, and which, that gentleman, as memorialist discovered, had forwarded to his lordship, as the ground of complaint. To this humble request his lordship did not condescend to reply ; and the Right Honourable Lord Norbury informed memorialist, by letter, that a copy of the affidavit was not to be

expected, as his lordship had not acted on the complaint; on which, memorialist wrote again to the Lord Chancellor, representing, that the complaint had been acted upon, inasmuch as his lordship had called upon memorialist for his defence, and memorialist again pressed earnestly, but humbly, for a compliance with his request, but all in vain. This treatment, after what had formerly occurred, appeared so extraordinary, that memorialist, assailed by the malice of Mr. Prittie and his friends, and having no hope of redress from the Lord Chancellor, wrote to Lord Norbury to say he was resolved on surrendering the commission of the peace.

To this communication Lord Norbury replied, that he disapproved of such a resolution; and that memorialist's resignation would be a great triumph to any adversary, and a tacit acknowledgment of being wrong, which he was satisfied memorialist was not.

About this time, it having been intimated to memorialist, by a most respectable gentleman, that the calumnies of Mr. Prittie and his friends, relative to the painter's case, might reach the ears of government, and prove prejudicial, memorialist addressed a letter to Mr. Secretary Gregory, on the subject, to which the following reply was given:—

“DUBLIN CASTLE, *December 21st, 1814.*

“SIR,—Mr. Gregory has communicated to me your letter of the 19th inst., and its enclosures, which I have not failed to submit to the Lord Lieutenant. I beg to assure you in reply, that his Excellency has every reason to be satisfied with the manner in which you have discharged your magisterial duties. That no reports of the nature to which you refer, prejudicial to your character, have reached his Excellency; and that after the experience which he has had of your exertions in your public capacity, and every account he has received of your conduct and character as an individual, he would have required no small proofs of the veracity of any reports injurious to you, before he had given credit to them. I have the honour to be, Sir, &c., &c.

“R. PEEL.”

While matters were in this state, Lord Norbury happened to come to Roscrea, and after urging the inexpediency of memorialist's resignation of the peace; his lordship gave memorialist an assurance, which he desired him to consider as from authority, that government intended to provide for him beneficially, in the line of his profession, as a clergyman, a circumstance necessary to be mentioned, as memorialist's enemies have stated that he originally sought such an assurance; on the contrary, had the prospect of promotion not been held out to memorialist, he never



could have formed, as in fact he never did form, any expectation of the sort; and whatever applications in behalf of memorialist, have been made to your Excellency in this respect, he is confident, in saying, that they have been made with an eye to the promise communicated by Lord Norbury, as above stated, encouraged by the advice and declarations of his lordship, whose constant kindness commanded memorialist's esteem and gratitude; and also, by the highly gratifying approbation of your Excellency. Memorialist continued to discharge the magisterial duties, and nothing of a very unpleasant nature occurred, until the latter end of the month of November, 1815.

On the Monday following the dreadful murder of Mr. Baker, John Birch, Esq., of Birchgrove, near Roscrea, called on memorialist to inform him, that Robert Dyer, a young man in his employment, had communicated to him, that an attempt had been made a few days before, to shoot memorialist through a stable window looking into memorialist's garden.

The mention of this young man's name renders it necessary to revert to other matters, respecting which he had previously given information. So long back as December, 1813, he was brought to memorialist, by Mr. Birch, and gave an information on oath, that a proposal was made to him a few nights before, by certain persons, two of whom produced pike-heads, to join them in a treasonable conspiracy; that he told the circumstance to his brother, James Dyer, butler to Mr. Birch, who communicated it to his master; and that his brother induced him to disclose it to memorialist, as a magistrate. Considering the state of the country, the information appeared alarming, and of sufficient moment to be laid before government; and upon a representation that Dyer might be made the instrument of useful discoveries, memorialist received the following communication from the Chief Secretary.

“ DUBLIN CASTLE, 6th January, 1814.

“ SIR,—I am to assure you that his Excellency readily adopts your suggestion of postponing the apprehension of the parties against whom Dyer has sworn, and of taking every advantage of the means of information which that person appears to possess.”

Immediately after the receipt of this letter, memorialist requested a meeting of several magistrates of the neighbourhood, and laid before them Dyer's information, and Mr. Peel's letter, and an association was thereupon formed. Mr. Birch attended the meeting, and vouched for Dyer's character. Memorialist was appointed the organ of communication with government, and on stating the object of the association, and the names of the magistrates then composing it, Mr. Peel thus replied:—



“ DUBLIN CASTLE, 18th *January*, 1816.

“ SIR,—It gives his Excellency great satisfaction to learn from you that the magistrates mentioned in your letter have resolved to act in concert for the preservation of the public peace, and in counteracting the designs of the disaffected, and his Excellency anticipates the best results in the co-operation of gentlemen of character and respectability.”

It has been made matter of blame to memorialist that the Hon. F. A. Prittie was not admitted into the association, but the truth is this; that memorialist, willing to forget that gentleman's former rancour, did consent, at the instance of Mr. Birch, that Mr. Prittie should be proposed, but the proposal was rejected. Dyer continued to give from time to time information; and all his informations were sworn in presence of Mr. Birch, and witnessed by him, as by originals in the crown office may appear.

These informations in general set forth the existence of a traitorous conspiracy, resting in a great measure on the hope of French assistance. In the towns and neighbourhoods of Roscrea and Birr, it was stated to be principally promoted by persons of the name of Egan, and actively carried on, or occasionally suspended, according to the success or disasters of Bonaparte. The most remarkable of them, sworn on 23rd of February, 1815, relative to a meeting of a body of men in arms, some of them in green uniform, with marks of command, held, a short time before in the demesne of Corville, the residence of Mr. Prittie. Other informations of an alarming nature followed, which induced memorialist to convene a meeting of the above named association, at which it was determined that William Hutchinson, Esq. a magistrate, and one of the association, should, in person, communicate with government on the subject. The result of his interview with the Attorney-General and Solicitor-General, was, that an immediate search should be made for arms at Roscrea, with a view of discovering those matters of which Dyer had given information; and in two or three days after, the following communication was made to memorialist by Mr. Gregory.

“ DUBLIN CASTLE, *March 9th*, 1815.

“ SIR,—I have received, and submitted to the Lord Lieutenant, your letter of the 6th instant, and its enclosures, and am to acquaint you that a communication has been had with Mr. Hutchinson. It is very desirable that the information of Dyer should be corroborated, as no proceedings can be taken on what have already been sworn, and Dyer should be *encouraged* to

gain more authentic information, and if possible, to give notice of any meeting, previous to its taking place, in order that the persons stated to be in uniforms and arms may be surprised and seized."

A search for arms was accordingly made by memorialist and Croker Wright, Esq., under warrant from your Excellency, but not until the month of May or June, as memorialist learned that a search was to be made in the neighbourhood of Templemore and Thurles, and it was expedient that the search should be simultaneous in all those places; and it is a matter of notoriety, that the object was frustrated by an accidental discovery at Templemore, of the intention to search, nor is it unworthy of notice, that one of the principal conspirators was seen by the constables near memorialist's door, passing homewards at three o'clock in the morning. And two others of them told Dyer that day, that they had intimation of the search at 11 o'clock the preceding night.

The sensation which this search excited, and the glorious victory of Waterloo, were supposed to produce a complete suspension of treasonable meetings in the county of Tipperary and elsewhere, but the disappointment of the disaffected, in regard to foreign assistance, soon found consolation in another system, namely, a design to assassinate loyal individuals, and particularly active magistrates. The circumstances attending the murder of Mr. Baker, were sufficient to verify the supposition. It was on the Monday following this horrible assassination, that memorialist was apprized by Mr. Birch of the attempt above mentioned,—to shoot him as he was walking in his own garden.

The information sworn by Dyer on the occasion, was to this effect:—that on the evening of the 1st of December, he met Thomas and John Quinlan, and Patrick Hickey, standing on the bridge near memorialist's house, when Daniel Herrick, servant to Mrs. Richardson, who lives next door to memorialist, came up to them and said, he would show them where memorialist was, and immediately brought them into a stable at the bottom of memorialist's garden, and seeing memorialist walking up and down the garden, said "Is not this a nice place to do his job?" and then went out and quickly returned with a short gun, into which he put the ramrod to show that it was charged; that memorialist, turning and walking towards the stable, Herrick presented the gun at him through an aperture in the window, on which Dyer, with a view of saving memorialist's life, observed to Herrick, "Sure you would not fire at so early an hour," and then took hold of the gun, which another of them, in a passion,



endeavoured to wrest from him, saying, "I will blow his brains out!" but at that moment, observing memorialist's son, a lad of about fourteen years of age, to join memorialist in the walk, he said, "If I could kill the two it would be glorious, but that is scarcely possible, and if only the father fell, the son would give the alarm;" and this last observation, added to the earliness of the evening, enabled Dyer to succeed in a proposal to postpone the attempt until a more favourable opportunity.

Most of the persons named in Dyer's information, being in the employment of Mr. Birch, who has a very extensive distillery, in which turf fuel is used, and who therefore is much at the mercy of villains, memorialist promised when Dyer was first brought to him by Mr. Birch, not to resort to his testimony if possible, because the examination of Dyer in a court of justice must necessarily disclose Mr. Birch's interference and expose him to the most violent resentments; and Mr. Birch was besides most delicately circumstanced with respect to his brother, a partner in the establishment, who, in consequence of the first disclosure made by Dyer, having carried his family over to England, (where they have since for the most part resided), might blame Mr. Birch if his interference should prove disastrous to the business.

Under these circumstances, memorialist convened a meeting of the magistrates with whom he had acted, and their unanimous opinion was, that for the above reasons corroborative testimony should as far as possible be obtained. The first idea that occurred in furtherance of this plan, was, to have the parties surprised in the stable, through the information of Dyer, should they again go there to lie in wait for memorialist. But as Herrick did not perceive memorialist going into his garden, after the information relative to the attempt on the 1st of December, (memorialist naturally avoiding a place of so much danger,) and Dyer having found, though he frequently made inquiry for the space of three weeks, that the parties had not returned, and were not likely to return, to the stable, to effect their purpose, memorialist called another meeting of magistrates in order to devise some other plan that might relieve memorialist from a constant state of apprehension.

This, memorialist trusts, will justify him for not having apprehended the parties at once, as Mr. Ponsonby in the House of Commons declared should have been done.

At this meeting a plan was suggested, which leads memorialist to mention one Thomas Halpin.

In the latter end of November, 1815, John Gason, Esq. a magistrate, wrote to memorialist to go to his house and he should see a person who might be useful. That person was Halpin, who,



Mr. Gason said, had been on many occasions employed by government in making discoveries.

As an unusual number of outrages were at that time committed in the neighbourhood, it was deemed expedient to request of government that Halpin should be placed at memorialist's disposal for a short time, to ascertain whether or not these outrages sprung from any system of disaffection. Memorialist accordingly addressed himself to the secretary on that subject, and received from Mr. Gregory the following answer:—

“DUBLIN CASTLE, *December, 4th, 1815.*

“SIR,—I have received your letter of the 30th ultimo; there can be no objection to Halpin being placed at your disposal, if you think he can be usefully employed in the neighbourhood of Roscrea. I have given directions for his being sent to you.”

It is evident from the date of memorialist's letter, that he could have no intention, when he wrote, of employing Halpin in his own case, though the contrary has been confidently asserted. Halpin arrived, and soon threw himself in the way of a man of suspected character from the neighbourhood of Thurles, who acknowledged to him that a system of assassination was formed, for the purpose of cutting off the active magistrates. This transaction was made known to Major Sirr by Halpin. Another instance of his services, I had from a most respectable family in the neighbourhood of Roscrea, whose lives he saved by communicating a design to rob and murder them.

Captain Willcocks the superintending magistrate at Cashel, was in the house, waiting, with Halpin, the arrival of the villains, three of whom forfeited their lives on the occasion. This man appearing to be a fit person to be employed for ascertaining the veracity of Dyer's informations, and for corroborating them, memorialist proposed him as such to the meeting of magistrates last mentioned, and it was then thought expedient on memorialist's account that a stratagem should be used to bring the matter to issue. First of all it was suggested that an effigy should be dressed in memorialist's clothes, and should be placed in the garden, to be an object for the parties if they should resort to the stable again, but this for obvious reasons not appearing a good plan, was abandoned. In the course of the discussion, it having been asked whether there had been any appearance of an attempt on memorialist's life besides the one in the stable, and memorialist answering, that for many preceding nights, persons had been seen together peeping between the window-shutters into memorialist's parlour window, it was determined that such an effigy as above described, should be placed

in memorialist's parlour ; that Halpin should be made acquainted with Dyer, and, through Dyer, with the other persons above named, and if they found that those persons had actually conspired to assassinate memorialist, and were still intent on shooting him, he was to apprise memorialist, whether there was a likelihood of their seeking an opportunity of doing so in the front of memorialist's house, in which case the effigy was to be placed as above mentioned.

Memorialist communicated the plan to Halpin, to whom he gave a case of pistols, and some powder and ball, that he might appear to the parties a person of their own stamp, but having at the same time, as he afterwards declared on oath, given positive instructions not to *lead*, but to *follow*. Dyer brought Halpin and them together, at the house of one Meagher, a publican, in the town of Roscrea, on the night of the 28th of December, when, having exchanged certain signs with Hickey and John Quinlan, he was admitted at once into their confidence, and, after some conversation on the recent murder of Mr. Baker, was told by them, that they and others had determined to murder memorialist, and that they had for that purpose been several nights in wait at the bridge, which is a little to the right of memorialist's house ; and John Quinlan, perceiving Halpin had pistols about him, remarked to the others, that as arms were at hand, and the night dark, there could not be, perhaps, a more favourable opportunity to make the attempt. Halpin found means to slip out, and informed memorialist of what had passed, and the figure was placed in the parlour as before concerted. A little before eleven o'clock, memorialist heard two shots fired through the window in rapid succession. Memorialist, on entering the parlour, found the figure had been struck by one ball, and that two others had struck the opposite wall. Halpin's account at the subsequent trial was, that when they all came down to the bridge, John Quinlan snapped one of the pistols from him, that he took aim through an interstice between the shutters, and fired, Halpin, at the same time, firing his pistol through the same place, and that the parties then ran off in different directions.

It has been asked, why memorialist did not contrive to have the parties secured as soon as the shots should be fired ? Captain Willcocks, who viewed the place, can attest, that the openness and numerous passages in front, rendered so great a number of men necessary for that purpose, that alarm must have been excited by their presence. As to the nature of the stratagem, memorialist is not sensible of any impropriety in resorting to it, careful as he was in his instructions to Halpin ; and if any stratagem whatever in such cases be censured, he considers the objection altogether unworthy of notice ; and so conscious was



he of the purity of his motives, and the rectitude of his conduct on the occasion, that when Mr. Gregory, in a letter of the 4th January, stated, he had submitted the communication and affidavits memorialist had forwarded, relative to the affair, to the Attorney-General, and conveyed to memorialist his opinion thereon, which memorialist considered altogether unfeeling and unwarrantable, and memorialist having written to the Attorney-General to that effect, and that gentleman having desired, in reply, a full explanation of what had been concerted between memorialist and Halpin, for the information of your Excellency, memorialist having found himself extremely hurt by the hasty and groundless censures of the Attorney-General, preferred sending Halpin at his own expense to Dublin, to be examined at the Castle ; but it appears by Mr. Gregory's letter to memorialist, that Halpin was purposely sent back without any examination.

On the 29th of December, some magistrates, most of whom were inimical to memorialist, held a meeting in Roscrea ; but memorialist declined a disclosure of particulars to them, until a fuller meeting took place, which was accordingly fixed for the 8th of January, 1816. On that day, ten magistrates, exclusive of memorialist, met, the Earl of Rosse in the chair, and having sent for Mr. Birch, and examined him, touching the character of Dyer, and all the matters communicated by him to memorialist, and prevailed on him to let Dyer be produced as a witness, were unanimously of opinion, that the parties concerned in the attempt to assassinate memorialist, should be apprehended ; and that an application, which they all signed, should be made to your Excellency, to provide for Dyer, as he must be exposed to the utmost danger, if he remained in the country, after giving testimony in a court of justice ; which request was refused.

Mr. Prittie and his friends signed the application, nor can they plead ignorance of all that had occurred, as Mr. Gason communicated every circumstance to them. On the night of that day, and the morning following, all the parties were taken into custody. Memorialist was informed on the 11th of January, that Patrick Hickey, one of the persons apprehended, had confessed to Lieutenant-Colonel Kerr, commanding the Monaghan militia, then quartered at Roscrea, and not wishing to see him, unless in the presence of other magistrates, he wrote to request the attendance of Mr. Wright and Mr. Gason, and before them, Hickey made a full confession on oath, not only of his participation in the treasonable meetings held in Corville demesne—the attempt to take away memorialist's life in the garden—and the firing into the parlour window, but also, that Daniel and Stephen Egan, jun., were at the Corville meetings ; and moreover, that Stephen Egan, jun., had administered an oath to him, to murder memorialist,



which confession he made freely, without any promise or threat being held out to him.

Those magistrates, thereupon, issued their warrant against Daniel and Stephen Egan, jun., and others concerned, who were taken into custody the next day. It is true, as stated by Daniel and Stephen Egan, jun., in their memorial to your Excellency, that they were carried to Clonmel, under a military escort; but they travelled in a chaise, and were permitted to sleep at the inns, in the towns on their way, instead of being lodged in the several bridewells—an indulgence more than sufficient to compensate for the confinement in the guard-house, on the night of the firing into memorialist's house, which they complained of, and to which they subjected themselves by their own improper language, and unlawful threats towards memorialist and the adjutant of the Monaghan regiment.

The special commission commenced on the 15th January. When memorialist reached Clonmel, he found the crown lawyers all prejudiced against his case. Indeed this was the less surprising, as the Attorney-General had advised the government, that memorialist should be left to prosecute at his own expense and responsibility, though memorialist had never received a farthing of all the heavy expenses incurred by him on former prosecutions; and, it was not until the memorial of the Earl of Rosse, and the other nine magistrates, was forwarded, that memorialist was led to expect any support from government, in opposition to the advice of the Attorney-General; and as matters turned out, the assistance of the crown lawyers, and of the Solicitor-General in particular, proved more injurious than beneficial. It was not until the seventh day of the commission, that the Solicitor-General vouchsafed an audience, and that only of about ten minutes, to memorialist. The bills of indictment were not sent up till the sixth day; and, but for the unshaken steadiness of the grand jury, it is possible they would not have been found; the constant tenor of the language of certain of the crown lawyers, from their arrival at Clonmel having been, that government was determined to sift the matter to the bottom, as if memorialist, and not the prisoners, was put on his trial.

When the petit jury was sworn, the prisoners' counsel moved, that all the witnesses on both sides should retire from the court until called. Baron George, who alone presided, (Lord Norbury having been seized with indisposition,) ruled, that such witnesses as were on the grand jury, or were magistrates, should remain in court. This was a power which memorialist conceives was not vested in the judge, and the impropriety of it was apparent, for, as memorialist can prove, Mr. Prittie, one of the witnesses for the prisoners, abused the indulgence, and became the medium of

a written communication from a witness in the hall, a brother of one of the prisoners, to the prisoners' counsel; and also, from the grand jury box, suggested questions to be put to Dyer on his cross-examination, and in short, did all in his power to frustrate the prosecution. Memorialist was the second witness examined, though he should have been the first; and with certainty he can say, that his own examination, and that of the witnesses who followed, and whose testimony he was admitted to hear, was on the part of the prosecution, more like a cross-examination than a direct one; and memorialist was informed by respectable gentlemen, that the examination of Dyer was similarly conducted, and this circumstance memorialist can positively swear to, namely, that on his own cross-examination, one of the crown lawyers suggested to the prisoners' counsel, a question in favour of the prisoners.

Memorialist has to complain, that his own case, though long posterior to the charge for treasonable practices, was tried first; and that the Solicitor-General did not open the case with any explanatory address, which, in a matter embracing so many circumstances and such a lapse of time, was absolutely necessary. He also has to complain, that the judge refused to examine Mr. Birch, in support of the character of Dyer, though the Solicitor-General had threatened to have him fined £5000, if he did not appear, and Mr. Pennefather had declared to memorialist, that the trial ought not to be proceeded on, without his testimony. Nor did the Solicitor-General *insist* on the examination of Mr. Birch, though memorialist urgently pressed him. At this moment the judge and jury were conferring together.

It is alleged, in the memorial of Daniel and Stephen Egan, that the jury signified their wish aloud, that the trial should then terminate; but memorialist can prove by indisputable testimony, that it was the Judge that made the suggestion to the jury. In fact, when the Solicitor-General seemed surprised at the conference in the jury box, the Judge said:—"Stay, stay—you do not know what they are about."

It short, it was a derelict prosecution; it was worse—for, though the Solicitor-General admitted, after examination of the witnesses, that the facts had been proved, and after the verdict of acquittal of the four persons tried, was pronounced, both he and Baron George did ample justice to the motives of memorialist; yet, to the astonishment of every unbiassed man in court, he moved, that a bill of indictment should be sent up against Dyer, for perjury, whom he branded as a villain, who artfully made a dupe of memorialist, for corrupt purposes; when, in truth, Dyer was not a perjurer, nor had he duped memorialist; but the Solicitor-General himself, and all those who were influenced by



him, were egregiously duped by the artful misrepresentations of Mr. Prittie and his friends ; and of this, he had the most mortifying proof, in the ignoring of the bill by the grand jury, which many times during the commission, he declared to be the most respectable he had ever seen in the box ; and every member of which paid the utmost attention to the trial.

The conduct of the Solicitor-General, on this occasion, was the most unwarrantable ever attempted by a law officer of the crown. There certainly were variances in the testimony of the witnesses Dyer, Halpin, and Hickey, but they were of such a nature as not to impeach their veracity ; and if Dyer's testimony varied in some measure from theirs, the testimony of the others differed from his, so that upon the same principle, they were perjurers as well as Dyer, and yet, no bills of indictment were moved against them. But it is alleged that the character of Dyer destroyed his credibility. Had the judge permitted Mr. Birch to be examined, his character would have stood on high ground :—as it is, it may be fully vindicated.

It is part of the present system of Jacobinism to raise a hue and cry against informers, whether their motives be good or bad. No character, indeed, can be more odious and detestable than that of a corrupt informer, particularly where the lives of men are at stake ; but to disclose treasonable practices or designs of murder and assassination is strictly conformable to allegiance, morality, and common sense. Dyer was an informer from the most humane and disinterested motives. He never was promised, and never has received the smallest remuneration ; on the contrary, he has suffered most materially. After the trial, he and Hickey were obliged to leave Ireland, and were under the protection of the present Lord Mayor of London for a length of time. Since Dyer's return, his house has been set on fire, and he lives in continual apprehension ; Hickey has not ventured to return to Roscrea, yet they still assert the truth of their testimony, though the principal persons against whom they swore have made repeated offers to them of protection and support, if they would but recant what they had sworn.

The only circumstance at all affecting the character of Dyer, was his non-attendance as a witness against Francis Cotton, for the alleged murder of John Quigley. It is true Dyer did not attend, and memorialist knew very well at the time that Dyer was overcome by the persuasions of persons of respectability, who should be ashamed of such conduct, and memorialist wrote to the Judge presiding in the crown courts to request the trial of Cotton might be put off until the next assizes, as he had every reason to hope he should be able then to produce Dyer.



Mr. Justice Fletcher, who admitted he received the letter, would not postpone the trial. Quigley's widow, who happened to be in the hall, thereupon screamed aloud; she was brought up and examined, and Cotton, upon her testimony, was acquitted, and Dyer's recognizance was not escheated.

It happened, indeed, at the special commission, that Dyer's family had received five shillings per week during the short time he kept out of the way, but the very smallness of the sum, shows he was not actuated by any pecuniary or selfish consideration; and it also appeared that memorialist had not previously known any thing of that circumstance, though the contrary is falsely alleged in the memorial of Daniel and Stephen Egan, and though memorialist did, and does reprehend the conduct of Dyer in that instance, yet he cannot but think that the impeaching of his credibility on that score, comes with a very ill grace, from gentlemen who appeared to take such pains to frustrate the prosecution of persons accused of treasonable practices and attempts of assassination.

Many persons were convicted at the special commission on testimony more objectionable than Dyer's, and not even the Solicitor-General will venture to compare the character of Keating, the chief evidence against the murderers of Mr. Baker, with the character of Dyer.

Memorialist has only to state further, that, at the commission, Stephen Egan, sen., had the audacity to charge Mr. Gason with joining memorialist in a conspiracy to bring his sons to the gallows. But the charge was refuted with a vengeance by Mr. Gason, who stated that when Mr. Egan lay bound in the prison of Nenagh in the year 1798, he had his irons knocked off; and as to the insinuations in the memorial of Mr. Egan's sons, that this memorialist, in consequence of having taken part in the education of Mr. Birch's children, was under that gentleman's influence, and that Mr. Birch made memorialist an instrument of destroying their family, in order to get rid of them as competitors in brewing, such calumnies are easily rebutted by the well-known independence and irreproachable integrity of the whole of the Birch family. Such imputations may safely be left to merited scorn.

Memorialist confesses that no circumstance relative to the entire of this affair gave him more pain than the attempt of certain persons to impress upon your Excellency, that the charge against the persons prosecuted on his account was altogether groundless. Memorialist is content to rest this point on the following letter from the Earl of Rosse, who was acquainted with all the circumstances of the case, and whose opinion memorialist trusts will have the greatest weight with your Excellency. It having been reported that his lordship, whose kindness memorialist can never

forget, had adopted, after the trial, ideas unfavourable to memorialist, he wrote to his lordship on the subject with the greatest anxiety, and had the happiness of receiving this answer :—

“ DUBLIN, *February 5th*, 1816.

“ DEAR SIR,—I assure you that no doubt exists on my mind of the conspiracy having been formed to take away your life, and the decision of the grand jury, ignoring the bills against Dyer, proves their sentiment to be the same. I also saw Mr. Bagwell, of Marlfield, and such is his opinion too; I trust, however, that as these wretches have so narrowly escaped, they will not dare to renew their horrid project, and I believe they will be afraid to do so. The circumstances certainly are very mortifying; but being caused by an active and zealous discharge of your public duty, which all friends to order must approve, you have in your own breast a sentiment which repels the malice of vulgar calumny.

I am, Sir, your very obedient servant,

(Signed), “ ROSSE.”

The services performed by memorialist for the public good, and the zealous and active discharge of all his magisterial duties, the enemies he has made, and the losses he has sustained in consequence, he does not wish in this place to dwell upon, nor does he desire on this occasion to detail the unpleasant circumstances which occurred after the special commission at Roscrea, all of which, nevertheless, he can, if necessary, indubitably show to have been the result of the misrepresentations which have been made to your Excellency. The foregoing statement, however, he hopes, will enable your Excellency to perceive how much he has been calumniated and injured.

Memorialist therefore humbly prays your Excellency will be graciously pleased to take the premises into consideration, and to afford him such remedy and relief as to your Excellency shall seem just and reasonable,

And memorialist will pray.

(Signed), JOHN HAMILTON.

*August 5th*, 1817.

## STATEMENT.

THE foregoing Memorial was accompanied by another document, bearing the signature of the Rev. John Hamilton, professing to be a refutation of the allegations contained in a Memorial presented to his Excellency, by Daniel and Stephen Egan, in 1816, "exposing the falsehood and misrepresentation of that Memorial paragraph by paragraph." The Document concluded in the following terms :—

"This memorialist showeth that Stephen Egan, sen., was not an inhabitant of Roscrea for fifty years past ; he was an inhabitant of Borrisokane for some time previous to the year 1798. Mr. Gason, a magistrate, knows something about the matter.

"Where the young men received their political education, they have not mentioned.

"Daniel and Stephen Egan, jun., were arrested under a warrant, issued by John Gason and Croker Wright, Esqrs., two magistrates of the county Tipperary.

"Stephen Egan, jun., was arrested on a charge grounded on the information of Hickey, of having administered an oath to him, to murder memorialist, and he and his brother were arrested on the information of Hickey, for appearing by night in arms at seditious meetings in Mr. Prittie's demesne, Corville.

"They were permitted to lodge the night after their arrest at the inn of Mr. Browne, at the request of Lieutenant-Colonel Kerr, who treated them with the humanity that marks his character. They travelled in a chaise to Clonmel, and lodged at the inns on the way, and never were prisoners treated with more consideration.

"Stephen Egan, jun., was indicted capitally for administering the oath to murder memorialist. They were both indicted, but not capitally, as aforesaid, for appearing in arms as aforesaid. Of the other prisoners, only three were capitally indicted, namely, for the attempt to assassinate. Stephen Egan, jun., was tried on one capital indictment, namely, for administering the oath.

"Government did not pay all the expenses of their prosecution, a good part of them was defrayed by this memorialist.

"This memorialist is not to be blamed, because the special commission was held during the law term ; it was a circumstance which materially operated against himself, and he has to deplore that the Solicitor-General conducted the prosecution.

"As to the allegation of a plot to bring Daniel and Stephen Egan and others to an ignominious death, this memorialist



observes that the benign character of Mr. Birch refutes the calumny as to him, and the motives of memorialist, were, in open court, vindicated by the Solicitor-General and the Judge, and the ignoring of the bill of indictment against Dyer shows the sense the grand jury had of his testimony.

“The testimony of Hickey and Halpin was not impeached.

“The grand jury believed the testimony of Dyer from first to last; the opinion of the Solicitor-General and the Judge respecting it was erroneous.

“This memorialist is confident, that the description of the evidence on the prosecution, as given by Messrs. Egan, is unfounded and malicious.

“It is not true that the jury audibly signified their disbelief of the witnesses; in fact, the memorialist had it from one of the jury, that they would willingly have heard the defence, had it not been suggested to them by the judge, that the prosecution should stop; and the jury could not but acquit. It was a derelict prosecution.

“The bill of indictment so improperly sent up by the Solicitor-General against Dyer, was immediately ignored by the grand jury—the most respectable ever impanelled at Clonmel, as the Solicitor-General declared to themselves. Every member of the grand jury heard the whole trial.

“Dyer did not return to Roscrea, but both he and Hickey were in such imminent danger that they were obliged to go over to England, and were for some time under the protection of the present Lord Mayor of London. Dyer has since returned, but lives in constant apprehension. Hickey has not ventured to return. Candour must allow, that they have been *suffering* informers. What Mr. Birch suffered, will be mentioned in another place.

“It is insinuated, that because this memorialist took a part in the education of Mr. Birch’s children, he was made an instrument of by Mr. Birch, to destroy a wretched competitor in the brewing business; aye, and for that purpose to bring his sons to an ignominious death! This disgusting insinuation may safely be passed by without comment.

“That a man may be honest though poor, those gentlemen should admit for their own sakes.

“Daniel Egan was not arrested for any design on this memorialist’s life. Stephen Egan, jun., was charged with instigating Hickey to murder memorialist. The stratagem of the effigy was resorted to, principally to ascertain the veracity of Dyer’s information, relative to an attempt to shoot this memorialist in his own garden through a stable window, by Hickey and others. This particular is artfully suppressed by the Messrs. Egan.

“ This memorialist did not represent to government, nor did he admit that he represented to government, that the firing at the effigy was a firing at his own person. Memorialist wrote to Major Sirr, that he had made use of a stratagem on the occasion, and requested of him to mention the same at the castle ; this appears by Major Sirr’s reply, now in memorialist’s possession.

“ This memorialist knew that Dyer had been prevailed upon by persons of great respectability, who should blush for such conduct, not to appear as a witness against Cotton, but did not know, until the special commission, that Dyer’s family was allowed five shillings per week, during his absence and concealment, which lasted but a few weeks. And the smallness of the allowance shows that Dyer did not act from mercenary motives, but from a weak compliance with the importunities of respectable people. Memorialist apprized the judge of the concealment of Dyer, and requested to have the trial put off, but the request was refused. Cotton was acquitted, and Dyer’s recognizance of £50 was not escheated. At the inquest held on Quigley’s body, this memorialist praised the fairness of Dyer’s testimony, and bound him to prosecute.

“ This memorialist admitted, that an association of magistrates, whose object was approved of by your Excellency, was formed to counteract the designs of the disaffected, and that Dyer gave information to them through memorialist, from time to time. What calumny, aimed at the members of that association, is suppressed, where the asterisks appear, this memorialist cannot conjecture.

“ By the advice of the Right Hon. the Attorney-General, memorialist and Croker Wright, Esq., resolved to make a general search for arms, but understanding that a similar search was about to be made in the neighbourhood of Templemore and Thurles, the search in Roscrea was deferred, that the search in all the places might be simultaneous,—this was the cause of delay.

When the search was made, it was general, through the baronies of Eliogarty and Skerrin, in the latter of which the town of Roscrea lies. Many other houses in that town were searched as well as the Messrs. Egan’s.

“ As the search for arms by this memorialist was under warrant from your Excellency, he had power to search generally in the several parishes therein named, and of course to search in the house of Stephen Egan, the father, as well as in Daniel the son’s; but as an object of the search, as advised by the Attorney-General, was to come at the papers, &c., as mentioned in Dyer’s informations, and Stephen Egan, the son, had apartments in the premises of Stephen Egan, the father, it became necessary to



search in such parts and desks, &c., as in said premises were occupied and used by one and both of his sons, and no other search did this memorialist make in the premises of Stephen Egan, senior. The search at Daniel Egan's was very early, but it did not commence till after day light, and was conducted with the utmost delicacy to the females in it, though Daniel Egan has been so unjust as to assert the contrary. The proclaiming of the district was necessary to justify a search for arms.

“When the shots were fired through memorialist's window, the town was alarmed, and one of the constables called out the guard, by whom Daniel and Stephen Egan, jun., were taken up, and with others brought to the guard-house, where the Egans, Daniel in particular, behaved so turbulently, and held out such threats towards this memorialist, that they were detained till next morning. Besides, it was not then ascertained whether they had not been that evening at Meagher's, where the conspirators met. The threats of the Egans towards memorialist having been proved before Mr. Wright next day, and this memorialist requiring sureties of the peace from them both, they were permitted to depart, in promising to find such sureties, but were not liberated at the instance of any of the other magistrates, not one of whom interfered for them or went near them. Nothing could have been more kind than Colonel Kerr's conduct towards them.

“So far from Dyer having been disciplined, that he did not know till the day before the trial, that he was to be produced as a witness. He imagined that the evidence of Hickey and Halpin would be sufficient, but when he found he must be examined, he did not hesitate. Memorialist took no pains to refresh his memory as to the transactions that had long before occurred, which probably may have caused an indistinctness in some parts of his testimony.

“It appeared by a paragraph in the newspaper, which gave publicity to the memorial of the Messrs. Egan, that no hope was entertained, that the prayer of it could be granted. The object of it was evidently to gratify revenge and malice, by the aspersion of the character of this memorialist in particular; but as the Almighty has preserved his life from the assassin, so he trusts the same gracious being will protect his character from the shafts of calumny.

(Signed), “JOHN HAMILTON.”





## I N D E X

TO CORRESPONDENCE BETWEEN THE CHIEF SECRETARIES, AND THE FOLLOWING  
MAGISTRATES, AND OTHER PERSONS (WITH A FEW EXCEPTIONS,)  
OFFICIALLY CONNECTED WITH THE GOVERNMENT.

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